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# IMMIGRATION AND NATURALIZATION SERVICE'S GENERAL OPERATIONS

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## HEARING

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL LAW,  
IMMIGRATION, AND REFUGEES

OF THE

COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

OCTOBER 5, 1994

**Serial No. 91**



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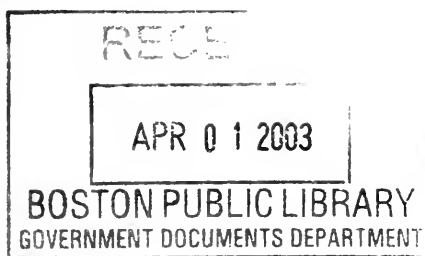
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# IMMIGRATION AND NATURALIZATION SERVICE'S GENERAL OPERATIONS

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WEDNESDAY, OCTOBER 5, 1994

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INTERNATIONAL LAW,  
IMMIGRATION, AND REFUGEES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10 a.m., in room 2237, Rayburn House Office Building, Hon. Romano L. Mazzoli (chairman of the subcommittee) presiding.

Present: Representatives Romano L. Mazzoli, Xavier Becerra, Bill McCollum, Lamar S. Smith, Elton Gallegly, and Charles T. Canady.

Also present: Eugene Pugliese, counsel; Les Megyeri, assistant counsel; Lizzie M. Daniels, secretary; and Glenn Schmitt, minority counsel.

## OPENING STATEMENT OF CHAIRMAN MAZZOLI

Mr. MAZZOLI. The subcommittee will come to order.

Without objection, the subcommittee meeting will be permitted to be covered by camera, motion picture, television. Without objection, so ordered.

This is the last meeting that I have the honor of chairing as the chairman of the Subcommittee on International Law, Immigration, and Refugees.

It comes as no surprise to know that I had some misgivings back in 1980 when the subcommittee's Chair became open. It seems hard to believe that much time has passed. There have been ups and downs and disappointments and frustrations in this situation, actually this has been really a joy and a real pleasure to have come my way and been a very positive experience.

I will be moving away from Congress and back to Kentucky to open a new chapter in our lives. A chapter in which I hope immigration as an academic subject, as a matter of public policy, as a social activity, as a worldwide issue, will continue to play a role. That is my hope.

A lot of what we will hear today is as Yogi Berra is reputed to have said, the old story, "This is *déjà vu* all over again."

In 1980, before my tenure actually began, it began in 1981 as Chair of the subcommittee, we had Cubans and Haitians who were bobbing along the Windward Passage in the seas south of Florida trying to come to the United States, and Congress had just enacted the 1980 Refugee Act.

We had, we hoped, developed an uniform policy for admissions and for resettlement of refugees. The principal groups benefiting from that act were, of course, the refugees from the Vietnam War and those fleeing persecution from the Soviet Union.

We had a consultation with the administration the other day and these same two areas of the world were named the principal areas benefiting from the Refugee Act of 1980. That I guess is not too surprising, although it is remarkable. It is not surprising in a way because there is a continuum when you are dealing with refugees.

So I think the fact that we are so near where we were 14 years ago reflects that continuum.

As I mentioned to Deputy Secretary of State Talbott the other day, I said it is unusual that we have the similar numbers of refugees coming from the same parts of the world as we did the better part of almost two decades ago.

To go back to the *déjà vu* analogy, in the early 1980's, now the Congress was mulling over the findings of a blue ribbon panel, in those, the Hesburgh panel, named after Father Theodore Hesburgh, the president at that time of my alma mater, Notre Dame. We now have another panel, the Jordan panel, chaired by our former and esteemed colleague from Texas, Barbara Jordan.

Senator Simpson and I responded in 1981 by introducing the first of three versions of what is called the Simpson-Mazzoli bill, after 5½ years of contentious debates. We did enact the Immigration Reform and Control Act, IRCA.

I really am very disappointed in the reaction of this White House compared to the reaction of the White House back in the days when the Hesburgh panel put forth its magnum opus, because it was received with fanfare and a lot willingness to look at it. Unfortunately, the Jordan panel's recommendations, which I think was a very sensible series of recommendations, the one that received the publicity was not the only one in the report, that one seems to have been brushed off the table fairly unceremoniously. And I don't think that is the way a recommendation which represents a wide diversity of view, certainly not an unanimous view, but by a very diverse panel, seems to me its fate should be more glamorous.

I would hope that maybe people who are closer to the President that are the ones that brushed the panel off, would take a second look at it and at least give those recommendations a chance to be heard and fleshed out and debated, which is what I think they deserve.

I think there may be another similarity, that back in 1980, as in 1994, you still have this sort of frustration, this lack of patience, in some cases, almost xenophobic, with regard to immigration and the inability of people to make a distinction between legal and illegal immigration and between immigration and refugee asylum activities.

Then, as now, INS apprehensions at the borders have been well over a million people, and depending on whose number you use as to how much that represents of people trying to get in, you have a number of how many persons are in the country illegally. So there are a lot of connections.

One of the things we hope to explore today, is why does it appear to be we have the same thing today, to some extent, as we had 14

years ago. It doesn't seem that it should. Some reflect that continuum, but some reflect perhaps a lack of the willingness of government to tackle subjects and the lack of willingness to make changes in the thing.

The New York Times recently had a five-part series which it ran on the front pages of those five consecutive editions, giving the Immigration Service a very intense looking over, and characterizing it, correctly or incorrectly, and we will have the Director of the Service before us, but characterizing it as perhaps the most troubled major agency in Federal Government.

As one who has enjoyed working with the INS and feels that its people are very honorable and hard-working people, I am troubled that this agency is characterized and analyzed by persons from outside government in that way. I would have much preferred that it would have been a more glowing kind of analysis. But we will get into the reasons why that is the case.

The U.S. General Accounting Office, whose representatives will be here, has also looked at the Immigration Service and found that there are flaws and defects which should be corrected, some of which have been recommended for correction for a long time and seemingly little action has been taken in that direction.

The question we will have to ask directly and maybe somewhat indirectly is, is the INS in its current form manageable? Is it an oxymoron to say that you can have an efficient INS?

Is it a fact to say in its dual mission or treble mission of enforcing the laws as to prevent illegal entry, while at the same time providing fast and courteous and effective, constituent service to immigrants and to people here in the country, as well as to give impartial and professional adjudications of the various questions which reach that level, can that be organized, can it be managed in one department? We have wrestled with that over a long period of time.

I intend to ask today, and I have asked questions about the recently announced agreement with the Cuban Government about migration. The use of parole rather than immigration is questionable. Paroling in great numbers of people from Cuba and from outside Cuba who are Cubans, I am not sure there is a precedent for this widespread use for handling a migration problem.

I am not sure and we will want to know to what extent Congress has delegated to the U.S. Attorney General powers which have been actually exercised in this agreement, so we will hear from government on that point.

Having said that, I will wrap up at the point at which I started, and yield to my friend from California, who might have an opening statement, is that it has been a real journey, a real adventure for me. Because when I first became Chair of this subcommittee, while I served on Judiciary Committee, I was not on this subcommittee ever when I became its Chair. It has been a wonderful learning experience for me. It has been an opportunity for me to work with many outstanding people, devoted people in the INS, in the Justice Department, in the community that serves the refugees, the asylees, the immigrants.

It has given me a real vision and view of how America became America. Even though when my father came to this country, it was in a setting different then, a setting similar to the story of so many

immigrants, but it was not an immediate factor in my formation as a human being, as a person. And contrarily, this experience of some 14 years has, in fact, been quite a learning and a formation experience for me. I think I am the better for it despite the frustrations and the difficulties that this brings inevitably.

Having said that, I hope that whatever the Lord has in mind for me for the future, is one that will have some contact with the subject and with the people with whom I have become very familiar and with great fondness, including my friend from California. I yield if he has an opening statement.

Mr. GALLEGLY. Thank you very much, Mr. Chairman.

As the 103d Congress draws to a close, perhaps it is appropriate that the members of this subcommittee reflect on the unfinished business of immigration reform.

Mr. Chairman, no one has worked harder to strengthen our immigration laws than you have. It has been my great pleasure to serve with you in the past several years in this Congress, and now to speak for my colleagues, when I say that your wise counsel and friendship will be greatly missed.

I want to join with my colleagues in wishing you the very best in your future endeavors.

Mr. Chairman, I know you must be as frustrated as I am that despite the landmark 1986 Immigration Reform and Control Act, which you shepherded through this body, and despite the hard work of the members of this subcommittee, illegal immigration is once again at record levels. Sadly, the prospect for improvement seems as elusive as ever.

A recent five-part series in the New York Times confirmed what many of us have known for some time: Immigration document fraud is rampant. Forged green cards and other documents are widely available on the streets and corners of Los Angeles, New York, and other cities across this country. With 29 acceptable forms to choose from, criminals can make these forgeries a mockery of the act. Forged documents allow illegal immigrants to obtain jobs they should not have and benefits they are not entitled to.

Prof. Barbara Jordan, a former Member of the House and President Clinton's choice to chair the U.S. Commission on Immigration Reform, someone whose record on civil rights is second to none, was quoted in a recent column in the Washington Post as saying:

The legitimate problem that must be addressed is that we are not only a nation of immigrants; we also believe in the rule of law. That is if we believe in the rule of law the people should not be able to get into this country if they violate the law. Illegal aliens, people who are unauthorized to come here, break the law to get in, and any nation worth its salt must control its borders.

Mr. Chairman, Professor Jordan has it exactly right. We are a nation of immigrants and we can all be proud of that heritage, but we also believe in the rule of law. As we review the ongoing efforts of the Immigration and Naturalization Service, I hope we will focus on the widespread document fraud, the need to curtail Federal benefits and jobs which act as a magnet to illegal immigration and for our porous borders which desperately need reinforcing.

At the beginning of the 103d Congress, I introduced a package of legislation to respond to these problems. I joined my colleagues Bill McCollum and Charles Canady in cosponsoring omnibus legis-

lation introduced by Lamar Smith which would have provided a roadmap for meaningful reform of our immigration laws.

Mr. Chairman, I regret to say that none of this legislation will become law this year. Tragically, illegal immigration will be unfinished business for this Congress. I hope that once we adjourn and return home, we will listen to the concerns of the American people on this issue and heed their calls for legislation to curtail the jobs and benefits being given to illegal immigrants and to regain control of our borders.

Mr. Chairman, I appreciate you scheduling this hearing today and I look forward to the testimony.

I would just like to say briefly, Mr. Chairman, when the President appointed Barbara Jordan to this committee, I was very optimistic. I have tremendous respect for this woman, although we are members of different parties and have broad differences philosophically in many areas, but I have tremendous respect for her integrity and I was very impressed by her findings. I only wish that the President would have given more careful consideration to her findings.

I don't want to get partisan this morning, but it has to be said that it is obvious that many of the problems that are taking place at the White House, is that instead of the President being in charge over there, all too often the inmates are running the asylum. And I only wish that the President would give more consideration to what Ms. Jordan has said. I think it is what the American public is concerned about, and it could help his Presidency. And I think it could also help solve many of the problems in this country.

This may be our last meeting together, Mr. Chairman, and while I have served with some great leaders in my 8 years here, there is no one that I have served with that I have greater respect for than you. I guess it can best be summed up as evidenced when I got my new edition of the unabridged dictionary this morning, and I opened it up and looked at the word "honorable," and there is a picture of Ron Mazzoli, Mr. Chairman.

Mr. MAZZOLI. Thank you.

It is a great honor to work with you and all the members of the subcommittee. I hasten to mention that I don't know of any Chair who is more honored than I in having such an outstanding group of people. You all have come to our meetings, to our markups, we have had excellent attendance from start to finish, even on a day like this when a thousand things are hanging.

If we have been able to achieve something, and I think we have, it comes because of the cooperation we have had. To go back to what I had said earlier about my own disappointment at the sort of abruptness and unceremonious way that the White House seems to have treated the Jordan series of recommendations, maybe as my valedictory around here, I will have as my goal to make sure that the President himself is aware of this, that is the report, recommendations, how sane and sensible and balanced they are and the fact they need to be debated.

There are a lot of people with different views on registries and ID cards and access, and whatever else, there are a lot of reasons why people would have disagreement. But you have to look at the diversity of the panel, the different backgrounds from which these

people come, it was a unanimous conclusion that the question of the registry ought to be examined. And the ink was not even dry on the report, I think it had barely gotten to the White House, when it wound up in the garbage can, apparently. And I don't think that the President has any knowledge of that. I can't think that he had himself anything to do with it.

And the people around him who made this decision are probably part of the inertia and momentum that you have in public policy, that can't seem to extradite themselves from the past, look at things with new and fresh eyes. You can't be a prisoner of the past; you have to look at things based on where they are today.

I think that for a number of reasons, not the least of which is the esteem in which Prof. Barbara Jordan is held throughout this country, the fact that she comes from a State, Texas, which is one of the most affected States, Texas, the fact that she is an academic as well as a political figure, it would seem that that report would have been welcomed, even if disputed, would have been welcomed as a step in the direction that we could begin this important but calm and measured and deliberate national debate on this issue of what do we do about illegal immigration.

Because let me tell you once again, to say what Father Hesburgh said in 1980, what I have said, it is nothing novel but it is real: Unless you close the back door, you will not keep the front door open to legal immigration.

Unless you close the back door through which people enter this country illegally to take benefits they are not entitled to, the country is going to become evermore frustrated and start clamping down—they can clamp down on legal immigration, on brothers and sisters, children and spouses of U.S. citizens and permanent aliens. You can clamp down on workers, you can clamp down on all that is legal, and that is what people will do if the Government fails to do something about illegal entry and about benefits that are being taken from citizens. That is my real sadness here, is the fact that we have a chance to do something.

Mr. GALLEGLY. Will the gentleman yield?

Mr. Chairman, you have really hit the nail on the head. One of my great fears I have had, and we have shared these concerns over the past few months on this committee, is that illegal immigration is the greatest threat to legal immigration that exists. And I don't think there is a member on this committee that does not believe that legal immigration has been probably the most significant thing that has established this country, the great country that it is today. What a travesty it is to penalize those who are abiding by the law, who are going through the process, waiting their turn, crossing the T's dotting their I's, what a travesty it is to penalize those coming into this country legally, by turning our heads to those that are entering the country illegally.

You mentioned the back door being ajar. Well, the back door is off the hinges. We have a President that I believe, and I think most people believe, is a very intelligent man, but all the intelligence in the world is not going to do any good if he doesn't get the message. And somehow he appears to be, like in many other cases, very insulated through his staff, or whatever is the intermediary there, from being aware of the magnitude of this problem.

I just appeal to you as our chairman, and if we can get through to Barbara Jordan, I believe that if the President really had an understanding for the magnitude of this problem, that he would step up to the plate.

Mr. MAZZOLI. I had talked with Ms. Jordan last week. I talk with Barbara fairly steadily. We had, even before the Commission reported, had a tentative plan to meet with the President, the three of us, to talk with him about a lot of things, including about the Commission. That meeting wasn't really able to be concluded until after this report was issued. So I may try to revive something along those lines.

I just think that the Jordan panel's recommendations and the Chair of the committee herself are entitled to a direct hearing and what the White House concludes about the issues of registry and adequacy of records, and we will talk about, whether or not the INS's records are adequate or whether Social Security records are correct or not. But just to simply say that is not on the radar screen now, I don't think is the way to proceed.

Let me yield to my friend from California and then to the gentleman from Florida.

Mr. BECERRA. I have no opening statement, other than to recognize the efforts of our chairman and make sure that not only the folks here in Congress know but everyone in the Nation knows that there has been no one who has tried harder to deal with issue of immigration to try to come up with some efforts at reform.

I will say to the chairman, that his wisdom, his institutional memory will be greatly missed, because we are now finally confronting the issues on immigration. And I hope that we have an administration that will continue to confront them in a way that gets us to a position to resolve some of these issues, and to not have at the helm, someone who has tried tremendously to deal with the issue of immigration, I think will be a loss to the Congress. I hope we can put our collective heads together and match the wisdom that we will be losing in Chairman Mazzoli.

So I wish to thank you for all the efforts you have undertaken and the latitude you afforded me as a new member of this committee, to try to do the best we can to try to raise the issues of immigration and try to resolve them as quickly as we can.

Mr. MAZZOLI. I thank the gentleman from California, who has been an excellent member of this committee. I want to thank him for his steady cooperation. I don't think we have had a meeting of this subcommittee that you have not been in attendance. You have obviously helped me as recently as day before yesterday on a schedule conflict.

To the gentleman from Florida, my strong right hand, or left hand, depending on which side of the table you are sitting on, but my friend certainly from 1981 an ally in many of these efforts, I yield to my friend from Florida.

Mr. MCCOLLUM. Ron Mazzoli, you have exhibited the same qualities I have watched and listened to over the past 14 years I have been privileged to be associated with you in immigration matters. You have come forward forthrightly, stated the position that is right, that is correct for the country, and continued to exhibit the

earnest concerns that you are willing to even take to the White House in the face of the final 3 months of your position in office.

I have been proud to serve with you and am proud to serve with you today. I think that together we, as well as several of our colleagues, including Hamilton Fish who is retiring as well, have seen a big change in immigration laws of this country.

Unfortunately, many of the promises of some of those changes that we have seen enacted have not been fulfilled. Yet we do have now the opportunity with this Jordan Commission and with the new Congress that is coming in, if this President particularly will see the way you want him to see it to make those changes, to fulfill some of those promises, especially in the area of getting control of our borders and the illegal immigration problem in general. So I am very pleased that we are going to go through a summary type of hearing.

It seems appropriate for the last one of this Congress and the last one you and I will share together, that it be an oversight hearing. Perhaps in this process, the team coming after us will have a record upon which to build and that the questions and answers and the statements put in the record today, like many others we have done, but particularly today, will provide that basis and framework for the needed reforms and changes. It has been a pleasure. It is hard to imagine sitting here next year without you.

Mr. MAZZOLI. Thank you. I have enjoyed working with you very much.

We have a panel currently constituting the gentleman from California, Mr. Condit.

Your statement will be made a part of the record.

We appreciate your being here today and the fact that you also chair a committee that has done extensive investigations into the whole question of immigration activity. So we are happy to have your testimony.

#### **STATEMENT OF HON. GARY A. CONDIT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. CONDIT. Thank you, Mr. Chairman and members of the subcommittee. I would like to thank you for the opportunity to testify today.

I commend you for holding this hearing on INS operations. Our immigration laws will never be effective until INS is managed both efficiently and effectively. Unfortunately, INS has not done a good job in the administration of immigration laws, and frankly, Congress has to share in that blame. Congress has failed to appropriate adequate funding to INS. There have been improvements, but such changes need to be built on and expanded.

Mr. Chairman, the Committee on Government Operations adopted a report on August 4, 1993, entitled, "The Immigration and Naturalization Services: Overwhelmed and Unprepared for the Future."

This report was based on an investigation conducted by the Subcommittee on Information, Justice, Transportation and Agriculture, which I chair. The report discusses what should be done in the short term to address the serious management problems that have

plagued the INS for years. The report makes several recommendations which I will briefly summarize.

The INS needs to take immediate action to respond to audits identifying problems in the management of the agency and to fully correct these problems. The Commissioner must ensure that adequate and competent resources are devoted to resolving INS infrastructure problems, personnel selection, management training and discipline, financial accounting and the management and protection of information.

The Attorney General should conduct a review of the handling of complaints about misconduct, physical abuse by Border Patrol personnel, to identify any changes which must be made to assure that complaints are adequately investigated and that fair and effective discipline is properly imposed. Congress should provide funding to Border Patrol to at least the level authorized for 1987.

INS should review its deportation procedures to identify and implement additional changes which could streamline the process. INS should expand the institutional hearing program. INS should revisit its decision regarding detention facilities to ensure that they are located where they are most needed.

Congress should provide additional funding for staff to handle asylum claims. INS should scrutinize its major service activities, work authorization, naturalization interviews and seek the advice of the public in identifying and implementing administrative improvements which could streamline the process. INS must resolve its problem in accounting for users fees. INS must work to develop a strong service attitude on the part of its employees and provide services to the public. INS needs to develop sound and accurate data.

Mr. Chairman, over a year has gone by since this report was issued. Some progress has been made in some of the areas that I have outlined. Commissioner Meissner should be commended for her hard work and dedication. However, the INS has been ignored and understaffed for so long that the challenges that she faces as Commissioner are nothing short of overwhelming.

In a written response to a letter I wrote requesting information on INS implementation of these recommendations, the Commissioner provided me with a detailed explanation which I would be happy to provide to you for the record. The bottom line is that INS still remains fundamentally overwhelmed and unprepared for the future.

Mr. Chairman, I don't want to be oversimplistic, but it is time that we got back to some basics. INS needs to open its mail and answer the phones. The Border Patrol needs to be at the border preventing illegal entry. Asylum and naturalization backlogs need to be eliminated. Individuals dealing with INS need to be treated with basic human decency.

Top priority must be given to the identification and removal of criminal aliens. More criminal aliens should be transferred to prisons in their own country to serve their sentence. INS must stop dropping off criminal aliens at our border, where they can reenter within hours, if not minutes. Criminal aliens caught reentering must be prosecuted. Criminal aliens on probation and parole need to be deported.

What we need from INS is a clear and precise plan on how to solve its service side and enforcement problems. We need to know how much it will cost to solve these problems and how we can measure performance and success.

I am tired, quite frankly, of hearing that INS does not have adequate resources without hearing how much funding it will take to solve the problems. I am tired of being unable to understand how resources are allocated within the agency and why there are such disparities in resources around the country. In other words, we need to know what the district and sector offices need, why they need additional resources, what they hope to achieve from additional resources and how to measure that success. Unless we get back down to these basic levels, we will never be on top of what has become a never-ending government nightmare.

I am particularly concerned about the U.S. Border Patrol strategy plan for 1994 and beyond, which was prepared in July 1994. This plan presents a vision, defines a mission and a course of action. However, the plan fails to identify specific staffing needs, planning allocation of resources and details on specific courses of action by sector. It also fails to state how job performance and success of the plan are to be measured. In other words, it provides more of a sense of direction rather than an actual plan.

Mr. Chairman, at a time of limited resources in government, we need more than a sense of direction. We need a solution to a serious problem.

Again, I would like to thank you for the opportunity to testify. I would like to take this opportunity, Mr. Chairman, to add my voice to those that have already spoken and commend you for your very, very strong leadership over the years on immigration issues, your dedication and your hard work, and to assure you, that I know I speak for most of my colleagues in saying you will be greatly missed.

I appreciate the opportunity to participate in this hearing, Mr. Chairman. I would be delighted to stay and respond to questions but I am chairing a subcommittee hearing—

Mr. MAZZOLI. Thank you for the nice comments, but particularly thank you for your comments on INS because they have been very helpful. We have studied them from our standpoint as you were doing your work. They really do give us kind of a background from the standpoint of government operations, how agencies of government, not just this one, but agencies should function. Recognizing that all agencies have certain individual problems and the INS's are perhaps exaggerated in the sense that they are part of a department, a larger division of government which hasn't always given this that much attention.

We appreciate it very much. You have been very helpful, and thank you for your work.

I would like at this time to call forward the panel from the U.S. General Accounting Office, Laurie E. Ekstrand, Associate Director of Administration of Justice issues in the General Government Division of the GAO. She is accompanied by James Blume, the Assistant Director and by Jay Jennings, who is a Senior Evaluator.

Thank you.

Ms. Ekstrand has graced this room on a number of occasions at subcommittee hearings and we appreciate your work.

Your statement will be made a part of the record.

**STATEMENT OF LAURIE E. EKSTRAND, ASSOCIATE DIRECTOR, ADMINISTRATION OF JUSTICE ISSUES, GENERAL GOVERNMENT DIVISION, U.S. GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY JAMES M. BLUME, ASSISTANT DIRECTOR, AND JAY JENNINGS, SENIOR EVALUATOR**

Ms. EKSTRAND. Thank you, Mr. Chairman.

I would like to submit my complete statement for the record and provide an oral summary that focuses on the management issues now.

I am very pleased to be here today to discuss the management problems that confronted the Commissioner of the Immigration and Naturalization Service when she took office in November 1993, and the progress that has been reported since then. As this committee is well aware, GAO issued a series of reports in 1990 and 1991 detailing a need for INS management reforms. We concluded that INS needed to develop a vision about how the agency should operate and we also said that INS management should correct significant weaknesses in its delivery of services, budget development, financial management, program-related information management and organizational structure.

Many of our recommendations were echoed by the National Academy of Public Administration study that was also issued in 1991, and more recently by the National Performance Review advocating INS management improvements. INS appears to be aware of the substantial management challenge it faces and has taken some actions and seems to be planning others to address some of the problems. Let me discuss briefly some of these problems and the actions that we have seen in a little more detail.

First, in 1991, we recommended that INS articulate a vision of how it is to operate to effectively carry out its role. The vision should establish a strategic management process that sets priorities and aids planning. Improved communication and policy setting as well as an accountability system should also be part of this improvement.

According to INS officials, they are in the process of developing a mission statement and a strategic planning process that serves as the basis of both planning and policymaking. They are also designing a priority management and tracking system which should provide accountability and assessment of the progress toward these goals.

Second, in relation to service delivery, our 1991 report on INS noted that INS had chronic problems with timely processing of applications. In our 1994 report on INS user fees, we found some problems still remain in processing applications for benefits within the 4-month target period set by INS.

For example, in New York and San Francisco, the waiting time for naturalization applications was 7 months and 10 months respectively. While problems in service delivery do not seem as severe as they were when we issued our 1991 report, there are some localities in which improvement is still very much needed.

Third, our 1991 report said that the INS budget development process was chaotic, with weak internal controls over expenditures and revenues. We cited outmoded accounting systems, weak internal controls and a lack of emphasis on financial management as contributing factors.

According to INS officials, since 1993, they have made a number of changes in the budget development process that are intended to engage INS top executives in identifying priorities and making budget recommendations to the Commissioner that are based on these priorities. They also said that a system of accountability has been established for each unit and program. We have not done recent audit work in this area, so we cannot comment on how well the new budget process is working.

With regard to financial controls, INS has appointed the Executive Associate Commissioner for Management as its chief financial officer and now issues quarterly financial reports so that units can track obligations and spending in relation to their budget allocation.

Fourth, in our early reports we indicated that INS managers and field offices did not have adequate, reliable and timely information on aliens to effectively carry out their mission. Program and management data were kept in a loose collection of automated information systems as well as a number of ad hoc labor-intensive manual systems.

Inadequate alien information systems have allowed fraud against the Government, allowed inadmissible aliens to enter the country, hindered investigation efforts, and created substantial inefficiencies. INS has initiatives underway that include the development of an enforcement tracking system and an automated fingerprint system, and enhanced computer linkages with the Customs Service, the Department of State and other Department of Justice systems.

INS has also awarded two contracts totaling up to as much as \$400 million for software development and computer support and for computer hardware.

Fifth, in 1991, we reported that INS's organizational structure had become decentralized without adequate controls. The regional structure hampered resource allocation and consistent program implementation.

INS enforcement activities were divided between districts and Border Patrol sectors, resulting in uncoordinated, overlapping programs. INS's reorganization is intended to mitigate some of these problems and was scheduled to be completed by October 1, 1994.

It is far too early to tell what impact this reorganization will have in terms of improving the operation of INS. However, some areas of concern that we identified in our earlier work have not been addressed.

The dual-enforcement structure and the unclear division of responsibility between investigations and the Border Patrol is still problematic. We continue to believe that INS could benefit by consolidating all field enforcement functions under a field structure that would centralize these functions under a single official within each geographic area.

In closing, INS management problems did not develop overnight and they will not be solved overnight. As INS deals with manage-

ment issues, we should not lose sight of the fact that they face substantial demands for services and enforcement, processing almost half a billion people a year for entry into this country, reducing the backlog of aliens requesting asylum, meeting demands for naturalization and other benefits, identifying and removing criminal aliens and stemming the flow of illegal aliens. They must also respond to crisis situations such as the recent influx of Haitians and Cubans.

Progress in resolving the management issue will require a sustained commitment from both INS and the Department of Justice. Continued congressional oversight would also be useful in ensuring that INS is making both timely and measurable progress.

Mr. Chairman, this concludes my oral statement.

We would be happy to answer any questions and I would also like to thank you and your staff for the fine working relationship we have had over many years.

[The prepared statement of Ms. Ekstrand follows:]

PREPARED STATEMENT OF LAURIE E. EKSTRAND, ASSOCIATE DIRECTOR, ADMINISTRATION OF JUSTICE ISSUES, GENERAL GOVERNMENT DIVISION, U.S. GENERAL ACCOUNTING OFFICE

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the management and program-related problems that confronted the Commissioner of the Immigration and Naturalization Service (INS) when she took office in November 1993. Many of these problems persist; however, INS seems to be aware of them and appears to be making some progress toward addressing them. My testimony is based on our prior reports,<sup>1</sup> many of which were done for this Subcommittee, and recent information obtained from INS.

INS efforts to address management problems must proceed while the agency deals with substantial demands for services and enforcement. The backlog of aliens requesting asylum is large and growing. The demand for naturalization and other benefits is such that INS cannot meet its own processing time goal in some districts. In fiscal year 1993, almost 500 million people were processed for entry into the United States. The identification and removal of criminal and illegal aliens is an enormous problem. The flow of aliens across the Southwest border continues, and violations of the conditions of legal entry are commonplace. Crisis situations that the INS must respond to, such as the recent influx of Haitians and Cubans, add to its workload.

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<sup>1</sup>Immigration Management: Strong Leadership and Management Reforms Needed to Address Serious Problems (GAO/GGD-91-28, Jan. 23, 1991); Financial Management: INS Lacks Accountability and Controls Over Its Resources (GAO/AFMD-91-20, Jan. 24, 1991); and Information Management: Immigration and Naturalization Service Lacks Ready Access to Essential Data (GAO/IMTEC-90-75, Sept. 27, 1990).

The management problems at INS did not develop overnight, and they will not be solved overnight. Progress will require a sustained commitment from both INS and the Department of Justice. Further, continuous congressional oversight, as this Subcommittee has been doing, will be needed to ensure that INS is making timely and measurable progress.

#### BACKGROUND

Two main components of INS fulfill its responsibilities-- enforcement and service. The enforcement component's responsibilities include preventing unlawful entry, employment, and receipt of benefits (e.g., asylum or naturalization) by those not entitled to them. Enforcement also apprehends, detains, and/or removes those aliens who enter or remain illegally in the United States. The service component's responsibilities include facilitating the entry of persons legally admissible as visitors or as immigrants to the United States. The service component also grants benefits, including providing assistance to those seeking asylum or naturalization.

INS' budget has grown substantially since the passage of the Immigration Reform and Control Act of 1986.<sup>2</sup> In fiscal year 1986, INS' budget was about \$575 million. The fiscal year 1995 budget

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<sup>2</sup>INS is responsible for enforcing the act's requirement that employers only hire workers who are authorized to work.

request is about \$2.1 billion.<sup>3</sup> Much of the growth is in its user fee accounts, which will provide about \$680 million in 1995. The user fees were established by two acts--the 1987 and 1989 Department of Justice Appropriation Acts.<sup>4</sup>

#### MANAGEMENT PROBLEMS

INS management problems have been cited by us and others. In our 1991 management report, we said that the major management problems that had plagued INS needed immediate attention. We pointed out that INS needed to develop a vision and a strategic plan that would guide the agency's operations. We also said that INS management needed to remedy significant weaknesses in its budget development, financial management, program-related information management, and organizational structure. We will discuss the problems in relation to each of these areas in turn and summarize INS' actions or plans to address these management problems.

#### Vision

In 1991 we recommended that INS articulate a vision of how it is to operate to effectively carry out its role. The vision should (1) establish a strategic management process that identifies priorities

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<sup>3</sup>The request includes \$264.2 million from the Crime Control Fund.

<sup>4</sup>P.L. 99-591, 100 Stat. 3341, 3341-53 (1986) and P.L. 100-459, 102 Stat. 2186, 2203 (1988).

and aids planning, (2) improve communications and policy setting, and (3) establish accountability systems.

According to INS officials, INS is developing a vision statement and a strategic planning process. Its vision statement is to focus on the purpose and responsibilities of the agency. The strategic plan is to serve as an umbrella for planning activity and managerial and operational policymaking. INS intends that, once approved, the plan will articulate overall agency direction and form the basis for annual priority development, tactical planning, and budget formulation. A priority management and tracking system is being designed to monitor whether program activity is consonant with the strategic plan. Through this system, INS managers are to be held accountable for achievement in relation to the agency's goals.

#### Delivery of Services

In 1991 we said that INS had not taken sufficient action to address service delivery problems. We pointed out that INS had a chronic problem with not processing applications for immigration benefits (e.g., aliens requesting naturalization) within its 4-month time frame.

In our 1994 report on INS user fees,<sup>5</sup> our analysis of INS' workload at its four largest districts showed that it did not allocate its staff in proportion to its estimated workload. We said that about 80 percent of the applicants could expect to wait 4 months or less for their applications to be processed. However, the expected waiting times for two of the four districts included in our review exceeded 4 months; in New York and San Francisco the waiting times for naturalization applications took 7 and 10 months, respectively. According to an INS official, the conversion to service center processing caused temporary distortions in district staffing levels. Further, in fiscal year 1994, INS could not hire staff and expand its automation because its revenue projections did not materialize. As a result, INS was not able to fully resolve the district staffing problem.

#### Budget Development and Financial Controls

In 1991, we said that INS' budget development process was chaotic. It had evolved with weak controls over expenditures and revenues, which had significantly decreased INS management's ability to address program weaknesses. Its budget process suffered from the lack of agencywide priorities and as a result had degenerated into an annual competition among narrow parochial program interests. In

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<sup>5</sup>INS User Fees: INS Working to Improve Management of User Fee Accounts (GAO/GGD-94-101, Apr. 12, 1994). Our review was of INS' two major fee accounts--the Immigration Examinations Fee Account and the Immigration User Fee Account. These two accounts represent about 99 percent of INS' total user fee account revenue.

addition, we reported that INS did not have fiscal accountability over its resources. Its outmoded accounting systems, weak internal controls, and lack of management emphasis on financial management had contributed to this situation.

According to INS officials, INS changed its budget process and strengthened its financial controls over its resources in fiscal year 1992. They said that, beginning in January 1993, the Commissioner established an open and participatory process at the executive level. With respect to budget formulation, the Commissioner is to identify agencywide priorities (e.g., strengthen border control) and use teams of program managers to identify integrated program approaches and associated costs. After group discussions and analytical briefings, senior INS executives are to make recommendations to the Commissioner on priorities for budget formulation, allocations for budget execution, and other resource issues that have an agencywide effect.

Concerning INS' budget execution, INS officials said that each unit (e.g., district) and program (e.g., detention and deportation) is informed of its specific budget and is held accountable for managing within its budget. Each budget is to include operating and personnel costs and to enable managers to project the impact of anticipated events on their budget for the year. According to the officials, this process establishes controls over resources and provides accountability. We have not done any recent audit work in

this area, so we cannot assess how well the new budget process is working.

Concerning financial controls, INS officials said that, since fiscal year 1992, quarterly financial reports have been prepared for INS nationwide, encompassing every program and field office. The reports were designed to allow INS managers to monitor receipts from the INS fee accounts. Further, these reports are to provide managers with the information necessary to detect and address potential problems in a timely manner by comparing budget allocations with obligations and projected spending. In addition, INS has appointed the Executive Associate Commissioner for Management as its Chief Financial Officer.

#### Alien-Related Program Information

In 1990, we reported that INS' managers and field offices did not have adequate, reliable, and timely information on aliens to effectively carry out their mission. INS' information management problems included program and management data being kept in a loose collection of automated information systems as well as a number of ad hoc, labor-intensive manual systems. These information systems contained incomplete and inaccurate data that could not be effectively accessed or shared.

According to INS, its information systems had

- allowed fraud against the United States;
- required INS agents to spend excessive time on administration;
- hindered its investigative efforts;
- hampered the Service in obtaining timely, reliable information;
- allowed inadmissible aliens entry to the country; and
- created cases of mistaken identity.

According to INS officials, even with these problems, INS continues to need the information systems, including computers, for its personnel to assist them in their efforts in dealing with aliens. They added that INS' effectiveness could be increased by (1) automating its paper files, (2) building computer networks to expediently disseminate immigration information, and (3) developing automated case tracking systems. INS has initiatives under way, such as developing an enforcement tracking system and automated fingerprint system, building computer networks with other agencies such as the Customs Service and the Department of State, installing new computer equipment with the capability of storing more information and transferring files faster, identifying and tracking criminal aliens by linking INS systems with other Justice systems, and expanding the system employers can use to verify work

eligibility. In addition, INS has awarded two contracts for more than \$400 million to develop software and support services for INS' entire operations and to obtain computer hardware.

#### Decentralized Organization Structure

In 1991, we said that historically INS leadership had allowed the organizational structure to become decentralized without adequate controls. Its regional structure created geographical separation among INS programs and hampered resource allocation and consistent program implementation. The field structure to carry out INS enforcement activities was bifurcated between districts and Border Patrol Sectors, resulting in uncoordinated, overlapping programs. We identified several instances where coordination among INS' various enforcement units created problems in specific cases. For example:

- In February 1990, antismuggling agents from the Border Patrol office nearly arrested suspects who were the subjects of Investigation's surveillance.
- In June 1990, Border Patrol agents were involved in a fraud case that was directly related to an Investigation case.

In the above examples, the separate INS enforcement units were not aware of each other's cases.

In 1990, the then Commissioner began to centralize some of the budget and personnel functions and proposed a revised organizational structure. The proposed changes were not fully implemented. In 1994, the newly appointed Commissioner proposed a different organizational structure to restore authority to the field level and remove it from program managers in headquarters. The proposed reorganization would (1) reestablish the position of Deputy Commissioner with the traditional role of chief operating officer for the Service; (2) establish four positions under the Deputy--the Executive Associate Commissioners for Management, Field Operations, Programs, and Policy and Planning; and (3) reduce the four regions to three with the regional directors having operational authority over the field offices in their areas. The reorganization should centralize authority over field operations under the Executive Associate Commissioner for Field Operations. The reorganization was to be completed by October 1, 1994.

We cannot determine extent to which the 1994 reorganization will address the problems that we identified. It does not, however, address the dual enforcement structure coupled with the unclear division of enforcement responsibilities between Investigations and the Border Patrol. As we have said previously, we continue to believe that INS could benefit by consolidating all field enforcement functions under a revised field structure that would centralize all enforcement functions under a single official within each geographic area.

Others Identified INS Problems

When our 1991 report was being finalized, the Department of Justice asked the National Academy of Public Administration (NAPA) to provide advice on a management improvement strategy for INS. In its report, NAPA made a number of recommendations relating to INS' organization, executive leadership, human resources, financial management, and information technology.<sup>6</sup> NAPA generally agreed with the message of our report, and its recommendations were built on our report. Recently, the National Performance Review also recognized the need for INS to improve its management. It recommended that INS (1) develop a comprehensive vision statement, including a 5-year plan for achieving its mission; (2) restructure its organization; and (3) issue guidance to develop performance standards and output measures.

PROGRAM-RELATED ISSUES AFFECTING INS

In addition to the management problems that have been identified, program issues continue to demand INS' attention. These problems include (1) stemming the flow of illegal aliens across the border, (2) deciding which aliens to detain, (3) identifying and removing illegal and criminal aliens, (4) enforcing the employment of only authorized workers, and (5) processing aliens' requests for asylum.

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<sup>6</sup>Managerial Options for the Immigration and Naturalization Service, NAPA, Feb. 1991.

### Illegal Alien Entry

As we pointed out in our 1993 testimony,<sup>7</sup> INS is confronted with the problem of preventing millions of aliens from entering the country illegally. Our prior work had shown that INS had difficulty in removing illegal aliens once they entered the country and had limited space to detain aliens it apprehended. Therefore, the key to controlling the illegal alien population is to prevent their initial entry. In July 1994, INS announced a phased, multiyear plan to control the U.S. borders, starting with the Southwest border. The Border Patrol will increase the number of agents and the use of technology (e.g., electronic detection equipment). The plan directs intense enforcement efforts in areas of greatest illegal activity to gain maximum control over the border and shifts INS' emphasis from detection of illegal alien entry to prevention of illegal entry.

### INS Detention

In June 1992, we pointed out that INS apprehended hundreds of thousands of aliens but could detain very few of them.<sup>8</sup> As a result, INS released some criminal aliens and did not pursue illegal aliens who were not known to be felons because it did not

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<sup>7</sup>Immigration Enforcement: Problems in Controlling the Flow of Illegal Aliens (GAO/T-GGD-93-39, June 30, 1993).

<sup>8</sup>Immigration Control: Immigration Policies Affect INS Detention Efforts (GAO/GGD-92-85, June 25, 1992).

have the detention space to hold them. In addition, we found that INS did not treat aliens consistently; some were released within a few days, while others remained in detention for extended periods. Given the current projected availability of beds for detention (about 8,600 by 1996) and the large number of illegal aliens who could be detained (about 500,000), problems related to detention are unlikely to abate. This further supports the need to stop illegal entry of aliens.

### Deporting Aliens

In our October 1989 report on deporting aliens from the country, we pointed out that INS had not been effective in deporting aliens.<sup>9</sup> This continues to be a problem. In June 1994, the Commissioner said that over half of the illegal alien population initially entered the United States legally but then overstayed their period of admission. She added that no effective means exist to locate and arrest these aliens. With respect to criminal aliens, INS did not know how many prisoners in state and local prisons were deportable criminal aliens. Currently, INS is trying to identify criminal aliens who are serving their sentences and complete their deportation hearings so that when they finish their sentences they

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<sup>9</sup>Immigration Control: Deporting and Excluding Aliens From the United States (GAO/GGD-90-18, Oct. 26, 1989).

can be deported immediately.<sup>10</sup> According to INS, by 1997 it will be able to identify and determine the number of criminal aliens in the five states with the highest concentration of criminal aliens.<sup>11</sup>

### Employer Sanctions

According to the Commissioner, employer sanctions remain INS' key enforcement strategy against noncriminal aliens who are illegally in the United States. However, in our September 1994 testimony before this Subcommittee, we pointed out that INS' employer sanctions enforcement efforts had declined from fiscal year 1989 through 1993.<sup>12</sup> INS told us that they plan to (1) institute a national sanctions program that will target industries historically reliant on illegal alien labor, (2) conduct follow-up investigations of previously sanctioned employers to identify repeat offenders, and (3) follow up on about 36,000 potential employer sanctions violations that have been previously identified by others.

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<sup>10</sup>Under the institutional hearing program, immigration judges hold deportation hearings for criminal aliens while they are still incarcerated.

<sup>11</sup>These states are California, Florida, Illinois, New York, and Texas.

<sup>12</sup>Employer Sanctions: Comments on H.R. 3362--Employer Sanctions Improvement Act (GAO/T-GGD-94-189, Sept. 21, 1994).

Asylum

Aliens who are here legally or illegally can apply for asylum. By February 1995, the backlog of asylum cases is expected to reach 600,000. INS is proposing new regulations designed to streamline the asylum review process. While the proposal would allow INS to stay current with incoming applications, it does not address reducing the enormous backlog. INS hopes to reduce the backlog by increasing resources and application processing productivity.

CONCLUSIONS

INS seems to have many efforts under way that could bring about management improvement. These include the formulation of a vision and associated strategic plans, a new budget formulation process and enhanced financial controls, and new information management systems and hardware. INS is also adopting some program changes, such as a prevention strategy at the border, a more streamlined asylum processing system, and emphasized the institutional hearing program in five states, that could improve program performance. Careful monitoring will be needed to ensure that these efforts bring about measurable progress toward management improvement, and to identify any other needed improvements.

Mr. Chairman, this concludes my prepared statement. I would be pleased to answer any questions.

Mr. MAZZOLI. Thank you very much. It has been a pleasure for us for sure.

A couple of questions to get started. You mentioned at the last part of your statement that the problems didn't start yesterday, and they can't be fixed by tomorrow, and any solution will take a sustained commitment of all parties, the INS, the Congress, the administration. Do you think that is possible given the way government is moving these days, with change of government at the top, and some political scientists are theorizing that we will have frequent changes of President. We may be in a mode now where we are going to have one-term Presidents just simply because the problems are so difficult and the solutions to them are so vexing and politically perilous and controversial that we just keep looking for that elusive perfect person, and we are not going to find him.

It seems every time we turn around, we are reinventing the wheel. We have a new Commissioner, we have a new President, we have a new Attorney General. I would ask you as a management expert, can we look at the INS as if it were Widget, Inc., and ask of it is same as we ask the directors and CEO of Widget, Inc.?

Ms. EKSTRAND. Maybe that is too high a standard to expect. On the other hand, I think that it is not unfair to develop a plan that has specific benchmarks that we want to reach by a certain time and that we hold agencies accountable for reaching those benchmarks and that we try to develop the kind of oversight that will ensure that progress is made.

I think it is very difficult—this agency is faced with incredible program demands and change takes time away from doing regular line activities, and real commitment. It is really going to be hard to sustain that effort. But unless we develop some kind of plan for progress, I think the chances are very, very slim.

Mr. MAZZOLI. It is kind of interesting that you bring that up, because you use the term benchmark, which is a very good term. For using our make-believe corporation of Widget, Inc., if Mr. Jones, the CEO, sets benchmarks of a certain amount of sales and a certain penetration of a certain area of the country, those are usually controllable to the extent that you can get your sales people in there and your manufacturing people and your quality control people.

One of the problems, it seems to me, is when we set benchmarks, these are political, public policy benchmarks; for example, a benchmark in one Congress might be shut down the border hermetically, we don't want anybody coming in. Another era might say we need people, we need to have something coming in to keep the labor scales intact or we have jobs that people in the United States don't want to do.

It seems to me one of the troubles is, and I wondered if you in your examination of government have found, that because our benchmarks are politically driven, that that makes it very much more difficult for agencies like INS to perform effectively.

Ms. EKSTRAND. I think the instability and the policy demand make it a much tougher job, that is true. It is also true that compared to the Widget Co., if INS does better, they don't necessarily get more money. They can't depend on more resources just because

they are doing better. That is just not going to happen. In fact, they might get less.

But I can't envision any new administration or any new subcommittee chairman not wanting to have an improved, streamlined management system for this agency. Now, the program demands may change and the policy demands may change, but there is no reason—I can't imagine any administration that would not want good fiscal management at this agency or any other agency or some kind of strong leadership from the top. All of these are really basics.

Mr. MAZZOLI. So it is your judgment then as a professional, that despite all the vagaries of political fortune and misfortune and all the problems that are driven by the election process, as we see now in the State of California, among others, that there are, I think you used the term "program goals" and "policy goals" which should be carried out regardless of that thing. So, in effect, as Mr. Condit was saying, the mail should be opened, telephone calls ought to be answered, the checks ought to be deposited, the money ought to be collected that are due them, regardless of whether or not we want to seal the border or open the border, there are certain things that any agency of government should be doing and must do and has no excuse not to do, regardless of what their mission of government is; is that essentially how you look at it?

Ms. EKSTRAND. Yes, sir. I think that clearly we have to remember how difficult it is when we do have changing policy demands to keep all these things running smoothly. Certainly, we shouldn't throw away the goal of keeping those things running smoothly.

Mr. MAZZOLI. The gentleman from Florida.

Mr. CANADY. No questions at this time.

Thank you, Mr. Chairman.

Mr. MAZZOLI. The gentleman from California.

Mr. BECERRA. Thank you, Mr. Chairman.

Thank you again for being here, Ms. Ekstrand. As the chairman noted, you have warmed that seat very often as the chairman said. Let me ask you a couple of questions.

In your testimony, you don't get into much detail on one aspect of undocumented immigration, that is people who come into this country here with visas or permission to be here and then they overstay the length of time they are permitted to be here. They are called the visa overstayers.

They constitute more than half of all the people who are here without documents. We know about people trying to cross the border and things that are being done to try to stop those that cross the border without documents.

Are you aware of anything within the examination of INS that leads you to believe that the issue of visa overstayers, those who constitute more than half of all those who come into this country without documents, is being addressed?

Ms. EKSTRAND. It seems like the only way INS is currently dealing with visa overstays is through employer sanctions, and as you know from my testimony 2 weeks ago, the enforcement of employer sanctions is at a fairly minimal level. I do think that we have to decide what our priorities are and that visa overstayers, if they are

not also criminal aliens, conceivably could be at a lesser level of priority.

Mr. BECERRA. When you say they would be at a lesser level of priority, why would you say it is a less priority to try to resolve a problem of undocumented immigration that constitutes more than half of all those who are coming without documents and the priority be put on the Southern border?

Ms. EKSTRAND. Certainly, the strategies for dealing with the problem are very different. Once they are in the country, whether they come across the Southern border or whether they are visa overstayers, they are members of a hidden population, and any attempts to control or make an enforcement effort against a hidden population is quite labor intensive.

Mr. BECERRA. That probably goes along with what you said in your testimony about focusing more on prevention versus detention and trying to allocate your resources to try to stop people from making their way into the country and then getting lost within the borders.

Ms. EKSTRAND. It seems to be a more efficient strategy.

Mr. BECERRA. Are you familiar with the telephone verification system that the INS has been testing for the last couple of years for employment verification?

Ms. EKSTRAND. We have read some statements from INS that deal with that system, but we haven't done our own work to investigate the system.

Mr. BECERRA. So your knowledge would not include the TVS program?

Ms. EKSTRAND. We haven't done any recent work on TVS.

Mr. BECERRA. Then I won't ask you questions about that.

Let me ask you about naturalization, the Service is constantly hounded for its job in policing our borders and stopping people from coming into this country without documents. The Service also has the obligation to try to help those who are here legally and who are now eligible to become U.S. citizens to help them process their applications to become U.S. citizens. Did you do much analysis on the efforts of the INS to try to address the naturalization components of its work?

Ms. EKSTRAND. No, sir. We had data from the user fee report that looked at the length of time it took to process applications in certain selected localities. In my oral statement, I mentioned two localities that were beyond the 4-month limit to process applications.

Mr. BECERRA. I would encourage you to include Los Angeles, where you will find that it is probably worse than San Francisco or other locations just because we have seen a deluge of people applying for naturalization. In the limited examination I have done of the naturalization process, do you see it as more than a problem with lack of personnel or resources to try to process those applicants through; is it anything more than that?

Ms. EKSTRAND. I just don't know because we haven't examined that process.

Mr. BECERRA. No further questions.

Mr. MAZZOLI. I have a couple of questions and then we will break and vote.

The budget I think has roughly gone from \$.5 billion in the mid-1980's to about \$2 billion proposed for 1995. I think that is a fourfold increase, 400 percent or something. Do you think that is—it is a tough question—adequate, or do you think that represents in total dollars a sufficient sum of money to have made more progress than what you have been able to note today to measure up to your 1991 analysis?

Is there any way you can compare that to see whether or not this Congress has been sympathetic enough to the real needs of this agency, that it has responded, and that we can correctly or not then look at them and say you haven't measured up?

Ms. EKSTRAND. It is extremely difficult to say whether this is the right amount of money. I think that we have pointed to some problems that seem to indicate that there have been at least some inefficiencies in the way the money has been spent and some improvements could be made.

Obviously, if the management processes and structures are not running smoothly, that doesn't get your best bang for the buck.

Mr. MAZZOLI. It is true it is very difficult to put quantification here, but it seems if you go up fourfold in the amount of resources in an era where we have been spinning downwards, the Pentagon has not had that kind of performance in the last 5 or 6 years, that maybe Congress has been at least aware of the problems and open to them and trying to respond to them; in fact, there has been some recognition on our part this agency needs to get resources it hasn't had.

Have you read the New York Times article?

Ms. EKSTRAND. Yes, sir, I have.

Mr. MAZZOLI. Do you think it was a decent job, a good job, an excellent job, a fair job, a balanced job of reporting and writing and to some extent, the editorial comments that were in it?

Ms. EKSTRAND. I think that even Ms. Meissner will admit that there are some problems in the agency that need to be corrected. I think that the New York Times writers did a good investigative reporting job finding where some of those weaknesses are and providing anecdotal evidence and sometimes more, of what those problems are. On the other hand, I don't feel that it was balanced in relation to the level of the task that INS has and didn't seem to acknowledge the movement toward change that is going on now.

Mr. MAZZOLI. You would not say that these articles were dramatically out of kilter with what you found, to the extent they examined similar areas? To the extent that they looked at some of the things you looked at, you wouldn't say they were just off the chart and completely unlike what you saw when you looked at it?

Ms. EKSTRAND. In 1991, when we came out with our general management review, we used words like chaotic and deplorable. For GAO, those are pretty strong terms. I think we found some substantial problems.

Mr. BECERRA. One quick followup question, and this is probably more a question for Commissioner Meissner.

There was a discussion with the chairman with regard to the budget and the fourfold increase. Let me make sure about something; you mention in your written testimony that the budget in fiscal year 1986 was \$575 million and that for fiscal year 1995, the

request is about \$2.1 billion, which would reflect a fourfold increase. Now that is a request and that is for 1995. I don't know if Congress has actually allocated the \$2.1 billion, but we are talking about a fourfold increase if given.

INS doesn't have a fourfold increase now to work with. I wouldn't want to leave the impression that they have 400 percent more money and we should see 400 percent more progress. It has been a gradual increase in the last couple of years. We have seen a greater commitment on the part of this administration to help INS—

Mr. MAZZOLI. I think that all the appropriations bills have been passed, which includes the Department of Justice, which means that the \$2.1 billion is real money. The money hasn't started flowing yet, but they, in fact, have \$2.1 billion to work with.

Thank you very much. We will go vote and come right back.

[Recess.]

Mr. MAZZOLI. The subcommittee will come to order.

We are very pleased to welcome the Commissioner of the U.S. Immigration and Naturalization Service, Doris Meissner, who is accompanied by General Counsel Alex Aleinikoff, by Ms. Sale, who is the Deputy Commissioner, by Mr. Puleo, Mr. Rath, and Mr. Collison.

We appreciate all of you being here.

To the extent there are prepared statement, they will be made a part of the record.

Commissioner Meissner, welcome. We appreciate your testimony.

**STATEMENT OF DORIS MEISSNER, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, ACCOMPANIED BY CHRIS SALE, DEPUTY COMMISSIONER FOR PROGRAMS; ALEX ALEINIKOFF, GENERAL COUNSEL; JAMES A. PULEO, EXECUTIVE ASSOCIATE COMMISSIONER FOR PROGRAMS; KEN RATH, EXECUTIVE ASSOCIATE COMMISSIONER FOR MANAGEMENT; AND RON COLLISON, ASSOCIATE COMMISSIONER FOR INFORMATION RESOURCES MANAGEMENT**

Ms. MEISSNER. Thank you, Mr. Chairman.

I would like to begin this morning by noting on our part that this of course is the last time that I and my colleagues will be testifying before you, and it really makes me think of how many years we have known each other. It has been an extraordinary association and relationship, and I want to thank you most sincerely for the commitment, the respect and the good will that you have always shown to me personally as well as to the INS as an institution.

We hope that you stay involved in one way or another in these issues.

Mr. MAZZOLI. Earlier, I mentioned that all good things have to come to an end. This has been a very good thing, with its share of frustrations. But it has been such a wonderful experience for me as a human being and a wonderful experience for me as a policy-maker to work with such excellent people in this room and people who have served with me.

I must mention Hamilton Fish in that because he and I go back to the very start. I mentioned earlier how many times my friends show up at critical times to make quorums and to help us get stuff

done. I have no idea what the Lord has in mind for me for the future, but I hope it does involve some contact with this subject because I feel I have been able to play a useful role.

Ms. MEISSNER. You have made exceptional contributions and we wish you the best and will miss you.

In the interest of time, you have a long statement—

Mr. MAZZOLI. I want to thank you for that statement. I know it took a long time to prepare. That is very, very good. I found it extremely interesting reading. It is one that I will keep with me because it gives a sweep of where we were, where we are and where we hope to go. It is sort of like a "Bible" of what we are talking here.

Ms. MEISSNER. That was our intention. We think it is very important to be on the record.

There is an extraordinary era of change underway at the Immigration Service as well as an aggressive set of initiatives on the part of the administration to deal with immigration as a major phenomenon of our times and for the country today.

The overall administration initiatives focus on a number of key areas for this fiscal year. We will be following them up in the next fiscal year with an even broader array of efforts that we believe we need to achieve. We are focusing at the present time on what we have determined to be the critical weaknesses in the system which begin with the border, include strengthening the political asylum system, perfecting our ability to deal with deportation of criminal aliens, supporting immigration processes, and to the subject of this hearing, making the INS an effective institution and an effective player where administering the immigration laws are concerned.

We have at the present time, as you know, where the border is concerned, a very ambitious operation underway in southern California which we call Operation Gatekeeper and we are beginning to get some very excellent feedback from that.

One anecdote to bring home the difference that is beginning to be experienced in California and that we think we will be seeing all along the Southwest border. One of the residents of the area has just written to say that she is publicly thanking the Border Patrol for their increased efforts to stop the flow of illegal aliens through the Tijuana River Valley. She says she lives on a hill that borders Mexico and the United States of America and can attest to the magnitude of the problem because she feeds her livestock at 4 o'clock every morning and is accustomed to seeing 40 to 50 illegals crossing her pasture each day.

Since Operation Gatekeeper was put into place, she says she has seen only three illegals on her property and the Border Patrol grabbed them before they got any further. There is no doubt in her mind she says that there has been a substantial reduction in crossings.

She says, "I hope Operation Gatekeeper is here to stay. Keep up the work."

Operation Gatekeeper is here to stay. We are keeping up that good work and we are very confident that with the program that we have in place we are making a difference and will be making a difference throughout the entire immigration enforcement system.

Before going to your questions, let me simply reinforce the idea that we have put a very ambitious internal program for change into place. As I said when I came, my goals for the organization were that as an institution we be an institution that insists on the highest standards of professionalism in our work, that we exercise the administration of the immigration laws through control but with compassion, and that we provide serious leadership in the policy arena where change is required.

Your earlier questions went to the point of overall resources, the quadrupling of the budget that you noted in the last 10 to 15 years. Obviously, that is the case. We also, I think, need to parallel that with the kinds of workload increases that have occurred for the Immigration Service.

Not only is our workload work a load that is constantly escalating, but there are a whole series of new areas of workload that have come upon the Immigration Service as a result of the passage of IRCA, as a result of the passage of the Anti-Drug Abuse Act of 1988, which brought us into the criminal alien arena where we have not been involved before.

The 1990 act increased legal immigration into the country by substantial amounts, which increases our workload, and of course the whole arena of asylum and political asylum applications was one that didn't exist 10 to 15 years ago.

So in looking at the budget and in looking at the proper sizing of resources to the institution's responsibilities, I am not sure anybody can give a perfect number of what we need, but there definitely have been commensurate increases in workload to those resources that have been granted.

I would simply note that Mr. Condit's testimony earlier as we quickly went through it, made mention of about 12 areas that he believed were important areas for needed improvement. We have begun serious efforts in 11 of those 12 areas to address the need for change. We all recognize that these are multiyear reforms that need to take place, but we have a clear agenda for that change, we have a point of view on how it is that we should be going about doing the work that his oversight and others have noted, and we are building integrated processes that I think can demonstrate the ability of the Government to not only administer the immigration laws effectively but win public confidence in the process.

With that, let me open up to your questions.

[The prepared statement of Ms. Meissner follows:]

PREPARED STATEMENT OF DORIS MEISSNER, COMMISSIONER,  
IMMIGRATION AND NATURALIZATION SERVICE

Thank you for inviting me here today to discuss the operations and management of the Immigration and Naturalization Service.

The array of immigration issues with which we deal is vastly different than those when I left Government service 8 years ago. Immigration is a paramount national and international issue. I cannot recall a time when the issues have been more numerous or volatile, or the debate more contentious. Moreover, the focus is no longer limited to specific groups or geographic areas. The debate is now at the forefront of state and national interest. This atmosphere has prompted some fundamental changes within the Immigration and Naturalization Service and the way it does its work.

In my confirmation hearing a year ago I presented a broad plan of action for the Immigration and Naturalization Service. In my testimony I stated that I envisioned an agency characterized by professionalism, by programs that exercise control with compassion, and by strong policy leadership on the growing number of immigration issues. I outlined three management priorities to respond to the criticisms of recent management reports--the need to reorganize and restructure, to undertake a comprehensive review of the mission of the agency, and to select experienced career immigration professionals in management positions. At the same time, I listed border control, asylum reform, and naturalization as three of the key policy areas where I would first direct my

efforts.

This was an ambitious agenda. I am pleased to report we have made strides in improving both the management and effectiveness of the Immigration and Naturalization Service. We have done this with more support from the White House, Department of Justice and Congress. I have found strong support for these goals among the dedicated men and women of the Immigration and Naturalization Service. Today, I would like to outline the progress we have made toward achieving the goals and priorities I set out a year ago.

#### PROFESSIONALISM

The first goal I stated was professionalism. To meet the demands imposed by increasingly global immigration issues, INS must perform its duties according to the highest professional standards. To increase professionalism within INS, I submitted a plan to Congress last February to reorganize INS. It established a structure which would provide direction and accountability --- laying out clear expectations of performance standards. That structure restored a strong chain of command over INS offices, provided for career senior management officials and affirmed checks and balances in the organizational structure. I have enhanced our Internal Audit capability and will plan to reach out to interested parties for input on the performance of our agency and to give us advice on overall operations. Finally, we have specific advanced programs of

recruitment and training which will ensure the entry of employees with solid qualifications, respect for people, and a commitment to excellence.

### INS Reorganization

The INS reorganization plan was drafted after intensive discussion of a wide variety of options. The plan, which included the views of internal INS personnel as well as management experts and external stakeholders, was intended to reduce the span of control, and as a result, improve supervision, program integration, and communication throughout INS. It also established mechanisms to bolster INS' policy and planning capabilities and communication and coordination with Congress, outside groups, and the public. The reorganization greatly improves the way INS does business and, in doing so, should reduce the frustration both INS employees and customers have felt in the past.

As a part of the reorganization, we have streamlined regional operations and are organizing administrative functions to facilitate creative approaches in the future. We have also empowered field managers and encouraged employees to rethink the way we do business. For INS to be the world class leader in immigration policy, we must create innovative solutions for doing our work and addressing the new situations with which we are continually faced.

The reorganization clearly delineates a difference between line authority and program development. We restored Regional Directors responsible for directing field operations under a new Executive Associate Commissioner for Field Operations in Headquarters. This reestablishes line authority at the operational level, enabling program managers to focus on national procedures, strategies and quality assurance.

In addition to meeting the National Performance Review (NPR) charge to "reinvent the Immigration and Naturalization Service's organization and management," the reorganization cut red tape by creating a straightforward organizational structure directed at service delivery. It permits Headquarters to "steer more and row less." It decentralizes decision-making authority and delegating authority and responsibility closer to where the work is performed.

Furthering the tenets of NPR, the reorganization has also laid the groundwork for re-engineering processes which were ineffective or outmoded such as policy dissemination and records and information management. Finally, through the reorganization we have established a capability and commitment to plan for the future, set customer service standards, and establish quantitative performance measures to enable the Service to evaluate its programs and service delivery.

We began implementation of the reorganization on July 1, and

completed the remainder on October 1. I have made appointments to fill new or vacant jobs created under the organization, focusing on the appointment of career INS managers who have demonstrated their ability to manage effectively. I expect this plan to help me take the bold steps necessary to make INS the agency we know it can be.

#### Internal Audit Capability

INS created the Office of Internal Audit in 1992 to investigate alleged misconduct and mismanagement by Service employees, conduct reviews and evaluations of Service operations and programs, follow up on corrective action in response to external and internal audits, and identify and analyze trends or deficiencies that may require increased management attention.

A new automated internal investigations case management system, to become operational later this month, will facilitate individual case processing and analysis of allegations to identify areas requiring systemic corrective action. It will also provide a mechanism to identify areas requiring follow-up to ensure adequate corrective action has been taken in individual cases.

I recently asked the Director of Internal Audit to evaluate all previous criminal investigations in which INS employees had successfully compromised Service systems for issuing documents or providing benefits to identify the system weaknesses that allowed

the fraud to occur and the extent to which effective corrective actions have been taken. This analysis will enable us to inventory weaknesses and oversee the implementation of corrective action.

#### Citizen Advisory Panel

A second priority I established upon becoming Commissioner was to ensure that all INS employees exercise their authority effectively and with compassion. Under the auspices of a charter from the Attorney General, I will chair a Citizens' Advisory Panel which will accept and review civilian complaints of abuse by INS employees, ensure that such complaints are examined thoroughly and make recommendations to improve the complaint processes, reduce the number of complaints, and minimize or eliminate the causes for those complaints that are legitimate. The thirteen panel members include four, including myself, from within the Department of Justice. The remaining nine members will have backgrounds in law enforcement, immigration, and/or human right issues.

In response to our request we received 134 nominations. A committee has finished reviewing the nominations. In consultation with the Attorney General, I will select the Citizen Advisory Panel members later this month. We plan to hold the first meeting within the next two months.

### Working with the Community

INS, as a professional agency, has made a commitment to work with nongovernment and other government organizations interested in what we do our job. I have asked that we consider and include the views of interested parties as we develop our procedures. As a part of our strategic planning process, we held a conference of stakeholders to solicit input on issues facing INS from immigration interest groups, the academic and legal communities, other Federal agencies, and Congressional staffs. The Asylum reform which will go into effect was developed with significant Non-Government Organization (NGO) contributions. We are also consulting with our customers in the review of our information program, the naturalization and employer verification.

### Personnel Recruitment and Hiring

We have developed new approaches for expediting recruitment and hiring new employees and increased targeted efforts to attract well-qualified minority applicants. We are targeting recruitment at historically Black colleges, colleges with large representations of Native Americans, domestic and overseas military installations, and other sources of well-qualified minority applicants.

In cooperation with the Office of Personnel Management (OPM), INS expanded the use of a Telephone Application Process (TAPS) to facilitate large-scale hiring of Border Patrol Agents. INS and

OPM's innovative expansion of this system were recognized by the Vice President with a Reinvention Award.

We have also developed innovative practices to hire our new asylum officer corps. OPM developed a computerized system for optically scanning a newly designed application form to determine qualifications and assign a rating score. This self-rating process has enabled us to handle large workloads in a shorter period of time. Over 5,000 applications were submitted for the Asylum Officer positions and tentative job offers have been made to 260 applicants.

### Security

Part of building a professional workforce is ensuring that our employees have the moral character worthy of the public trust. We have improved our pre-employment security screening, and background investigations are now completed or initiated prior to an employee's entering on duty. Prior to an employee's selection to a key management position, checks are made by the Office of Internal Audit and the Office of Security to ensure there are no ongoing investigations or unresolved security issues. We have also initiated a comprehensive personnel reinvestigation program. We now reinvestigate an average of 2,300 employees annually.

Equal Employment Opportunity

Commitment to equal employment opportunity (EEO) must begin at the top. All senior managers, including myself and the Deputy Commissioner, have received EEO training which includes EEO laws and principles, alternative staffing procedures, manager accountability and cultural diversity. Last month, all chief patrol agents and district directors in our Central Region received three days of cultural diversity training.

During fiscal year 1994, a new Affirmative Action Plan was developed to address systemic problems and barriers to minorities, women, and disabled persons. As a part of this plan, a National EEO Advisory Council was formed to advise me on the effectiveness of the employment and training processes of the Service. We have also developed and implemented an automated statistical system to provide field managers with information on representation of minorities, women, and disabled persons within their district or sector.

The real proof of our commitment to EEO comes in the hiring process. During FY 1994, we filled 99 positions at the GS-11 through SES supervisory and managerial levels. Sixty-one percent of those selected were members of minority groups--fifteen (14.8%) were African-Americans, seven (6.9%) were Asian, ten (9.9%) were Hispanic, two (2%) were disabled, and 34 (34%) were women. Six of

the 99 positions were at the GS-15 and SES levels. Two positions were filled with African-American males (District Director in Newark and Deputy District Director Bangkok). An African-American female was selected as District Director, Detroit, Michigan. An Hispanic male and a non-minority woman, were appointed to two SES Regional Director positions.

### Training

In both basic and journeyman officer training our goal is to train an officer to become fully knowledgeable in the law, with language skills, cultural sensitivity, self-confidence and prudence to execute his or her responsibilities.

This year we will expand the number of Border Patrol Agent basic trainee classes to produce 700 graduates to meet the President's border control initiative. There has been no compromise in the screening process for their selection nor the thoroughness of their preparation. Simultaneously, we have already eliminated the backlog in training for Inspectors and Detention Enforcement Officers with the remaining officers scheduled for fiscal year 1995.

As part of our internal development, we completed the first year of our new executive leadership training program (PROPEL) which graduated 9 managers, 6 of whom have already been placed in senior

positions.

In seeking to leverage our immigration efforts, training activities were undertaken with the Customs and State, local, as well as foreign Governments. To provide cross-training to approximately 6,000 Customs officers, we developed a text-based self-instruction manual with accompanying ready-reference field guide. Additional joint training efforts with Customs were also initiated.

#### General Arrest Authority

On August 17, 1994, we published the General Arrest and Firearms Authority Regulations as a final rule, with the effective date one year later. Both the Attorney General and I have hailed these regulations as an important step in the continuing fight against crime. They will empower certain immigration officers, after undergoing a rigorous training and certification process, to arrest persons they encounter during the normal course of their duties who have committed crimes other than immigration violations. Implementation of this authority will require that we train and certify approximately 10,000 immigration officers in the new authorities and enforcement standards.

We are the first Federal agency required by statute to establish and codify enforcement standards, and the Attorney General has designated these regulations as a model for all other law

enforcement agencies seeking her authorization for law enforcement authority. By establishing clear policy objectives, proper training criteria, and high standards of conduct, the regulations will ensure consistent law enforcement practices and advance our goal of making the Service a model of professionalism.

#### CONTROL WITH COMPASSION

My second goal, which is also the hallmark of this Administration's position on immigration policy, is control with compassion. In order to continue a generous legal immigration policy, the United States must be effective in gaining control of its borders and deterring illegal immigration and the attendant costs associated with it. Immigration enforcement, however, must be done with respect for all persons with whom INS comes into contact. Further, we must facilitate the admission of those who seek to enter lawfully.

As long as I have been working with immigration issues there has been a debate over the compatibility of INS' service and enforcement missions. Many have said that these two forces are contradictory and incompatible within a single agency. I strongly disagree.

Anyone familiar with immigration issues can attest that such issues generally defy categorization as strictly "service" or

"enforcement." I see the service and enforcement components as mutually supportive parts of effective regulation of immigration processes. It is the responsibility of every INS employee to take this attitude in the accomplishment of his or her work. We must remember that behind every case is a human being, and that ultimately our customer is the American public. We have worked hard over the last year to achieve this balance in our initiatives.

In February, the Attorney General and I announced the Administration's 2-year strategy to curb unlawful migration to the United States. This plan provided an integrated approach to improving control over immigration and addressed five critical areas--strengthening border control, removing criminal aliens, reforming the asylum process, improving employer sanctions enforcement, and promoting naturalization. Inherent in these initiatives are major infrastructure improvements for INS, especially in automation and new technology. I am going to highlight our achievements in these areas.

#### Strengthening Border Control

Our phased, multi-year border control strategy is being implemented with the objective of preventing illegal entry through deterrence. This border enforcement strategy recognizes the unique dynamics of each location, such as the terrain, the number of attempted illegal entries, the destination and motivation of persons entering

illegally, the practicality of surveillance technology to monitor illegal entry, any natural or man-made barriers. These cost factors are considered as a benefit assessment of resource deployment.

This effort is initially concentrated on the areas of greatest activity--San Diego and El Paso. The plan called for an increase of 300 new agents for San Diego and 50 for El Paso in FY 1994, with additional classes scheduled to offset any attrition of agents that would occur. In addition, we have hired 231 additional support personnel who, coupled with contractors and automation, will enable us to redeploy enforcement personnel back to enforcement duties in all sectors across the Southwest border.

We have also recognized that to be effective we must be flexible and responsive to changes in crossing patterns. The deployment of resources in FY 1994 was based upon historical illegal entry activity. The deployment of resources for FY 1995 and beyond will be based upon assessments of the most current entry and activity patterns.

Our plan also calls for fully equipping Border Patrol agents to do their job. This includes providing appropriate vehicles for border control activity that are equipped with new voice encrypted mobile radios to enhance secure communications, hand-held voice encrypted radios and appropriate technology such as infrared scopes.

We have installed Phase I of our ENFORCE system in four locations within the San Diego and McAllen Sectors. This automated forms generation system replaces the 51 forms which agents previously spent time hand-typing for investigation and prosecution. By the end of October this system is scheduled to be installed in three additional locations--the San Diego District, the El Centro Service Processing Center, and the Spring Valley Anti-Smuggling Unit Office.

During FY 1994, we initiated contracting actions to implement a prototype fingerprint-based identification system to determine the extent of repeat illegal crossings. As of this week, all persons arrested in the San Diego Sector are being fingerprinted for the recidivism/positive identification system. We plan to award a contract to enable the system to become operational by the end of this calendar year.

We also began an ambitious project to improve our border facilities. Much of the focus of this activity has been in the San Diego area where we have repaired and closed gaps in the existing fence, extended the border fence into the ocean, and installed 3 miles of fencing in the Campo/Tecate area. We have also added 3.5 miles of new high-intensity lighting, and will soon add another 1.5 miles east of the San Ysidro Port of Entry. We have initiated other construction projects along the Southwest border to upgrade Border patrol stations and provide space for additional agents to

be hired in FY 1995.

#### Facilitating Entry at Ports of Entry

Control of immigration transcends controlling unlawful entry across our land borders and seacoasts. It includes airport inspections and decisions made in INS district offices and service centers and the American consulates abroad. Effective border management requires that we facilitate the entry of persons who are legitimate travellers and deny admission to those coming for unlawful purposes. We are working on improvements in our ability to make this distinction quickly and accurately.

#### Seamless Interagency Inspections

The June 1993 General Accounting Office (GAO) report on Customs Service and INS concluded that dual management, interagency rivalry, coordination problems, and outdated and unused interagency agreements on other issues have led to ineffective border management. The report recommended, that the Office of Management and Budget (OMB) work with the Departments of Justice and Treasury to develop a plan for ending dual management of border inspections. The National Performance Review (NPR) addressed the same issues and has recommended that unless significant improvements are made, legislation should be enacted to consolidate the agencies.

In response to the GAO report and OMB directions, we are working jointly with the Customs Service to improve operational procedures and develop new and innovative projects designed to facilitate the inspection of vehicles and pedestrians at land border ports of entry. This effort is leading the two agencies to reinvent the way the inspections are done at land ports. Our cooperative and coordinated effort includes five initiatives that addresses GAO recommendations.

First, we have worked jointly to identify, evaluate, and implement cooperative shift scheduling initiatives which operate to expedite entry through ports. Second, we are coordinating the development of integrated special operations in an effort to facilitate travel to the United States and maximize enforcement efforts at land border ports. Third, we are developing a unified program of continuing training and education for cross-designated inspectors that enhances both enforcement and facilitation. We have jointly produced training manuals and scheduled training classes. Fourth, we are coordinating the development of a critical element on cross-designation to be incorporated into the performance appraisals of cross-trained inspectors from both agencies. Finally, we have established formal quality improvement committees which are responsible for developing, monitoring, and steering cooperative initiatives such as coordinated shift scheduling and special operations. These initiatives are being tested at six land border ports--Brownsville, Eagle Pass, and El Paso, Texas; Nogales,

Arizona; Calexico, California; and, Port Huron, Michigan.

### Streamlining the Inspections Process

Since 1988, the interagency Border Inspection System (IBIS), has been the computer system for all federal inspection agencies to access lookout information at ports of entry. The information in IBIS, from over 25 Federal agencies, is available at primary and secondary inspection sites throughout the United States. We are currently enhancing our National Automated Lookout System (NAILS), contained in IBIS, and integrating that system with other INS systems. Through these enhancements, all deported aliens are now listed in NAILS automatically. We have also added information on aliens refused visas by the State Department, INS issued documents that have been reported stolen, and aliens confirmed to have overstayed or been refused entry under the Visa Waiver Pilot Program.

We are also coordinating with the Department of State to improve our adjudications and air, land, and sea inspections processes and their visa issuance process. We are reviewing the overall process from the time an individual first encounters U.S. officials overseas through their departure from the United States, and looking for opportunities for the electronic exchange of data on individuals who are applying for visas and immigration benefits.

For the past several years we have been expediting the inspections process for all air passengers arriving in the United States through the use of the Advance Passenger Information System (APIS), which at the end of the fiscal year 1991, there were approximately 30 daily APIS flights arriving at five U.S. ports of entry. APIS queries are now performed on approximately 40 percent of all international travelers arriving at 26 U.S. Ports-of-Entry.

The INS Passenger Accelerated Service System, (INSPASS) is another innovation within the inspections process which combines an enrollment procedure, automation, and state-of-the art hand geometry in the positive identification of «low risk» frequent business travelers. It allows authorized persons to, in essence, inspect themselves upon arrival at an INSPASS-equipped port of entry. To date we have installed enrollment offices and inspection lanes in each of the international arrival terminals at John F. Kennedy Airport in New York and Terminal 3 at Lester Pearson International Airport in Toronto, Canada. The Service has received outstanding praise from customers participating in the pilot, who consider this to be a true value-added service.

Since 1991, we have been testing the Dedicated Commuter Lane (DCL) concept at the land border to expedite certain frequent travellers through the inspection process by use of a windshield decal and an automated process. We signed a memorandum of understanding with Customs this summer to cover the expansion of this pilot program.

Point Roberts, Washington will become operational this fall, and the Detroit Ambassador Bridge and the Detroit-Windsor Tunnel Bridge are currently under development. Otay Mesa, California, has been selected as the first port on the southern border to operate a dedicated commuter lane.

The Automated Permit Port Pilot Project (APP) uses identification technology to provide access to the United States for residents of sparsely populated areas when the port would normally be closed. This technology will include voice verification technology, cameras, sensors, and ticket receipts to prove entry. Scobey, Montana has been selected as a pilot test site, and a Memorandum of Understanding has been signed with Customs for the establishment and operation of permit ports. We are beginning installation of the system this fall.

#### New Card Technologies

Part of improving border control and facilitating lawful immigration is improving the security of the documents we issue. We recently redesigned and instituted a new manufacturing process for reentry permits and refugee travel documents to make them more tamper proof and to allow later verification through use of imaging systems to store applicants' photographs. This process has also proven to be more efficient. We are now researching the application of these kinds of systems to produce a more secure

Employment Authorization Document (EAD) and, later, a better alien registration card.

In September 1993, we published a Final Rule terminating the validity of the old Form I-151 "green card" as of September 20, 1994. Because of the volume of replacement cards involved, however, we have extended the deadline to March 20, 1995. Through this replacement we will establish a single, counterfeit-resistant Alien Registration Receipt Card and eliminate the 17 less secure cards as well as their fraudulent copies. This will also simplify the identification process when the bearer applies for admission to the United States at ports of entry, for employment, or for federal, state, and local benefits. I would like to note that as part of our initiative to encourage resident aliens to become U.S. citizens, we do not require resident aliens with pending applications for naturalization to apply for new cards.

#### Response to Haitian and Cuban Migrant Flows

Control of our borders with compassion also applies to our policy toward the entry of refugees. While the United States welcomes tens of thousands of refugees each year, we have a strong interest in discouraging mass economic migration to the United States in unseaworthy vessels. This past year presented particular challenges for us as we dealt with large numbers of Haitians and Cubans attempting to seek entry in the United States. The mix of

legitimate refugees with other migrants who were fleeing deplorable conditions in these countries but who did not meet the standards for refugee protection presented particular challenges in dealing with migrant flows.

Last May, President Clinton announced his intention to end the policy of direct repatriation of Haitians rescued at sea or interdicted by the U.S. Coast Guard and to provide refugee screening of Haitians aboard ships or in third countries. Accordingly, beginning on June 16, interdicted Haitians were transported to Jamaican territorial waters where they were processed for U.S. refugee status consideration. Specially trained INS officers conducted the interviews with representatives of the United Nations High Commissioner for Refugees monitoring the process. Of the 2,193 Haitians interviewed on the Comfort, over 26 percent (581) were found to have a well-founded fear of persecution and be eligible for U.S. resettlement. These persons were taken to Guantanamo for post-interview processing prior to their travel to the United States. Those found not to be refugees were returned to Haiti.

In early July new procedures were implemented both to further discourage mass economic migration in unseaworthy vessels and to broaden protection for those who genuinely feared persecution in Haiti. Under the new procedure Haitians have been offered temporary protection in safe haven camps in the region or the

option to voluntarily repatriate to Haiti. As of September 18, 14,111 Haitians had chosen safe haven and 5,783 had voluntarily returned to Haiti. On September 30, the Haitian population at Guantanamo was 13,740.

Since February 1992, the United States has operated an in-country refugee program in Haiti. While priority for interview has been given to Haitians most likely to be at risk, any Haitian in fear of persecution could apply for U.S. resettlement through this program. INS officers conducted interviews at 3 sites: Port-au-Prince, Les Cayes, and Cape Haitien. Over 3,700 Haitian refugees have been resettled in the United States directly from Haiti.

Enhanced international sanctions resulted in the termination of air links between Haiti and the United States in early August. Procedures were developed which allow approved refugees to depart Haiti by a land route to the Dominican Republic for onward travel to the United States. On September 16, as part of security measures taken in preparation for a possible invasion, all new refugee processing in Haiti was suspended and all but one INS officer departed the country. Approximately 1,300 approved refugees remain in Haiti. Under current conditions, we are continuing to facilitate the departure of these refugees, and we will continue to review the process in light of the ongoing development in Haiti.

In the past 35 years since Fidel Castro took power in Cuba, there has been a highly irregular and unsafe migration pattern between Cuba and the United States. Periodically, waves of Cubans have taken to the seas in an attempt to reach the United States. The Cubans typically embark over open sea on dangerously overcrowded, substandard boats or on home-built, unsafe rafts. The results of these voyages are often disastrous.

The United States has attempted to offer channels for normal immigration under the Immigration and Nationality Act. An in-country refugee processing program for Cubans has been operating continuously since late 1987. Although originally limited to present and former political prisoners, in-country processing of Cubans now also includes human rights activists, dissidents, members of persecuted religious minorities, forced labor conscripts, persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs or activities, and others of compelling concern to the United States. INS has made quarterly circuit rides to Havana to interview refugee applicants. Approximately 2,800 Cuban refugees were expected to arrive directly from Cuba during FY 1994.

Until a recent policy change, Cubans rescued at sea generally were brought to the United States, where they were paroled and issued work authorization. During calendar year 1993, 4,100 Cubans

arrived in the United States by boat or raft. This began to grow rapidly with another 2,750 arriving during the first 5 months of 1994. With the withdrawal of boat and shore patrols by the Cuban government in August, this turned into a huge wave of boat migrants, over 3,000 being intercepted in one day.

Until the recent policy change, fence jumpers at Guantanamo, with the exception of a few serious criminals, had been paroled into the United States after completion of security checks. Cubans who were paroled into the United States could affirmatively file for asylum or apply for adjustment of status to lawful permanent resident after one year as provided for in the Cuban Adjustment Act of 1966.

On August 19, a policy change regarding Cuban migrants was announced. Cubans interdicted or rescued at sea are now taken to Guantanamo Bay Naval Station rather than to the United States. As of October 2, there were 28,837 Cubans at Guantanamo and 3,127 at a safe haven facility in Panama. Also effective August 19, Cubans who arrive in the United States in an irregular manner are detained rather than routinely paroled. On September 20, 511 Cubans were in detention at Krome and 228 at Port Isabel, Texas.

In early September representatives of the United States and Cuba began negotiations to stop this flow and encourage the use of legal avenues of immigration. On September 9, 1994, in an attempt to halt this massive, dangerous, irregular migration the United States

and Cuba issued a Joint Communique in which the two countries agreed to undertake measures to normalize the pattern of Cuban migration.

Under the agreement, the U.S. and Cuba recognize their "common interest in preventing unsafe departures from Cuba which risk loss of human life." In order to prevent risky voyages and discourage irregular migration, the United States has discontinued its practice of routinely granting parole to all undocumented Cubans who reach U.S. territory. Rather, Cubans who attempt to enter the United States illegally will be detained by the INS and will be placed in exclusion proceedings. Cubans intercepted on the high seas will not be allowed to enter the United States directly from the safe haven. Instead, they will be taken to safe havens outside of the United States. Any Cuban who arrived in a safe haven on or after August 19, 1994 will be given the option of voluntarily returning home. Individuals who do not wish to return will be permitted to remain in a safe haven or to seek third country resettlement, but will not be eligible to immigrate to the United States directly from the safe haven.

In addition to taking measures to discourage unsafe, irregular migration, the United States has agreed to undertake a three-step program to facilitate safe and legal Cuban migration. First, we will continue normal immediate relative immigrant visa processing. Second, we have agreed that during a one-year period, we will issue

documentation to all qualified Cubans residing in Cuba, who are currently on the immigrant visa waiting list. Third, in addition to immediate relatives of U.S. citizens, 20,000 people a year will be issued documentation to allow them to enter and remain in the United States permanently.

Under the first portion of our obligation, we will continue normal immediate relative immigrant visa processing. Under section 201 of the Immigration and Nationality Act, there are no numerical limitations on immigrant visas for immediate relatives of the U.S. citizens. We anticipate that approximately 500 Cubans a year will continue to enter as immediate relatives.

Under the second portion of our obligation to facilitate legal Cuban immigration, we have agreed that during a one-year period, we will issue parole documentation to all qualified Cubans residing in Cuba who are on the immigrant visa waiting list as of September 9, 1994, and who are not admitted during the next year on immigrant visas. The immigrant visa waiting list consists of all immigrant visa applicants, other than immediate relatives, who have had a petition approved but for whom a visa number is not yet available because of worldwide demand.

The waiting list currently has over 19,000 Cubans on it. While it is difficult to estimate how many of those 19,000 will ultimately immigrate, the Department of State has indicated that probably only

4,000-6,000 from this group will be paroled during FY 1995. Persons from this group whose visa numbers become current over the course of this year will be admitted rather than paroled and will count toward the 20,000 person total. Those persons whose visa numbers do not become current over the course of this year will, if paroled, not count towards the total.

This one-time admission provision was included as a part of the overall program for several reasons. First, this provision is an integral part of our attempt to normalize migration from Cuba. By expediting admission for those with approved visa petitions and allowing only approved petitioners residing in Cuba to take advantage of this provision, we are sending a strong message that legal migration is the only viable method of reaching U.S. shores. Second, there is some evidence that individuals on the waiting list are discriminated against in Cuba.

Under the third portion of our obligation, 20,000 people a year, in addition to immediate relatives, will be issued documentation to allow them to enter and remain in the United States permanently. These 20,000 individuals will be drawn from several groups. First, Cubans who enter on preference immigrant visas in a given year, will be counted against the 20,000. Second, Cubans admitted through in-country refugee processing at the U.S. Interest Section in Havana will be included. The remainder of the 20,000 will be brought to the United States through the exercise of the Attorney

General's parole power. We anticipate that parolees will be drawn from close family members of immigrant visa recipients and refugees, as well as from a broader applicant pool. While details of this program are not yet finalized, we expect that applicants from the pool will be selected for parole based on factors such as language skills, job skills, education levels, family ties in the U.S., and incidents of discrimination in Cuba.

The Attorney General's parole power arises out of section 212(d)(5)(A) of the Immigration and Nationality Act. Courts and commentators have emphasized the wide discretion the Attorney General has in the exercise of her parole authority. Under this authority, "[t]he Attorney General may.. in [her] discretion parole into the United States temporarily under such conditions as [she] may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States...."

The use of parole contemplated in the Cuban migration agreement falls squarely within the Attorney General's parole authority. The parole program is strictly in the public interest, as well as consistent with Congressional goals, because it will help halt illegal Cuban migration and will help establish a safe, legal, and orderly migratory flow. The parole program serves the crucial function of providing incentives to pursue legal means of entering this country. The use of carefully controlled parole decisions to

broaden the legal movement of Cubans into the United States is an integral part of the overall policy goal of stopping illegal migration and normalizing the migratory flow. Migrants will maintain parole status only temporarily, as required by section 212(d)(5)(A). After one year in that status, they will be eligible for permanent resident status under the Cuban Adjustment Act of 1966.

This parole program is not affected by the 1980 limitations on the exercise of parole authority. The Refugee Act of 1980 restricted the Attorney General's power to a certain degree by amending section 212(d)(5) to prohibit the Attorney General from paroling refugees unless "compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee..." However, the legislative history of the Refugee Act of 1980 makes clear that the restriction does not limit the use of the parole authority outside the context of refugee admissions. Furthermore, this parole program does not seek to bring refugees. Rather, the parole program is completely separate from the refugee admissions program. The normal refugee admissions program at the U.S. Interests Section in Havana will continue in accordance with the numerical limits set pursuant to the Refugee Act of 1980.

Use of the parole authority under the Cuban migration agreement is not a novel exercise of the Attorney General's authority. In 1988,

Attorney General Meese implemented a public interest parole program to bring certain Soviets into the United States who had not qualified as refugees. Subsequent congressional legislation allowed those parolees to adjust to permanent resident status after one year of residence in the United States, just as the Cuban Adjustment Act would allow Cuban parolees to adjust status. Then, in 1989, as part of the Comprehensive Plan of Action, parole was offered to thousands of Vietnamese. The Comprehensive Plan of Action, like the parole program contemplated in the Cuban migration agreement, was designed to discourage unsafe and unlawful boat departures from Vietnam and to encourage orderly migration through lawful channels.

In sum, the Attorney General's use of her parole power to facilitate transition to a normal, orderly, legal migration flow from Cuba to the United States lies clearly within her statutory authority, is supported by both legal and historical precedent, and is consistent with congressional goals of discouraging illegal migration and promoting safe, legal and orderly migration to the U.S. Furthermore, the parole program is an integral part of this innovative three-fold program which is designed to overcome a deeply ingrained, highly irregular denial routine parole into the U.S., detaining undocumented Cubans who arrive on our shores, taking Cubans intercepted on the high seas to safe havens rather than bringing them into the U.S., as well as expanding provisions for legal migration will demonstrate to the Cubans that the only

way to come to the United States is through legal immigration.

#### IMPLEMENTING COMPREHENSIVE ASYLUM REFORM

Following the President's July 1993 directive, the Department of Justice developed a package of comprehensive asylum reforms which were announced in October 1993. Revised asylum regulations were proposed on March 30, 1994 for public comment. Publication of the final asylum rule is expected later this month. In the meantime, we have instituted a series of initiatives which adopt the spirit of proposed reforms and streamline current asylum processes within the context of the existing asylum regulations. These initiatives have led to significant progress during the first three quarters of FY 1994.

Higher Asylum Officer productivity resulting from decision formats and other streamlining initiatives has led to a significant increase in the number and percentage of new applications being scheduled for interview each month, from a low of 13 percent of receipts (2,465) in October 1993, to 64 percent (almost 7,000 each month) since May 1994.

Efforts within the Service to identify and prosecute preparers and filers of fraudulent asylum claims has reduced the number of new claims being filed monthly from a high of almost 13,000 in October 1993 to an average of 10,500 monthly since May 1994. We believe

much of the reduction relates to the filing of fewer spurious claims.

Finally, we have improved our ability to process the asylum workload in a timely manner. During the first 9 months of FY 1994, considerably more asylum cases were completed (38,425) and Orders to Show Cause (OSC) issued (20,739) than during all of FY 1993 (34,228 completions and 17,256 OSCs respectively.) The backlog of asylum cases interviewed since April 1991 but not completed was almost eliminated. In two Asylum Offices, all backlogs were eliminated other than those related to the ABC case. We are beginning to see 60-day approvals and 90-day denials in most of our Asylum Offices, and as many as four of the seven Asylum Offices are able to schedule all new asylum applicants for timely interviews.

Additionally, candidates who will double the size of our Asylum Officer Corps to 334 have been selected. They will begin training in early December and start work in January, 1995. We will open our eighth Asylum Office in New York City this month.

#### REMOVING CRIMINAL AND OTHER ALIENS

Attorney General Reno has directed INS to remove all impediments to the identification and prompt removal of criminal aliens. In fiscal year 1993, we deported 36,953 aliens, of whom more than 20,170 were deported on the basis of criminal convictions or

involvement in criminal or narcotics activities. An additional 2,104 criminal aliens were excluded from entering the United States. Preliminary data for fiscal year 1994 indicate similar levels of criminal alien deportations and exclusions.

#### Institutional Hearing Program

In an effort to expedite the deportation of criminal aliens, INS established the Institutional Hearing Program (IHP) which is a cooperative effort with the Executive Office for Immigration Review (EOIR) and correctional agencies. This program enables us to identify criminal aliens in State, local, and Federal correctional facilities who are subject to deportation once they have served their sentences and to institute deportation proceedings while they are still serving their prison terms.

There are currently 79 designated IHP sites involving 45 state and local jurisdictions, 7 Bureau of Prisons (BOP) facilities, 70 state correctional facilities, and 2 county jails. The largest IHP operates at the Federal Correction Institution, Oakdale, Louisiana, where immigration judges are on-site full-time to conduct hearings for criminal alien inmates. A second full-time site recently began operation in the BOP/INS contract facility in Eloy, Arizona, where 500 beds are devoted to the IHP.

The remaining five Bureau of Prisons sites are operational on a

part-time basis: Leavenworth, Kansas; Lexington, Kentucky; Dublin, California; La Tuna, Texas; and Big Spring, Texas. Danbury, Connecticut, will begin operation as an additional site this month.

Resources to improve IHPs in target states and in the Federal Prison System were provided in the Violent Crime Reduction Act. INS looks forward to using those resources to enhance processing of the criminal alien populations in these correctional systems.

We are currently evaluating the IHP in the five states--California, Texas, New York, Florida, and Illinois--with the largest concentration of foreign-born nationals incarcerated in state correctional facilities. These states represent 74 percent (48,260) of the total number of foreign-born nationals incarcerated in state facilities throughout the United States. Program improvements are already implemented or planned in each state.

Last April we streamlined the IHP in New York with the cooperation of EOIR and the New York State Department of Corrections. Deportation and exclusion hearings are now being held at three IHP sites instead of seven. Automation efforts have been implemented streamlining the issuance of charging documents. In addition, INS and EOIR have assigned permanent staff at two of the three sites. (The third IHP site is within commuting distance of the New York District Office.)

During the first 5 months of operation, EOIR conducted 1,901 hearings in New York, compared with 1,759 conducted in a 12-month period in FY 1993. During this period EOIR issued 446 Removal Orders while throughout FY 93, only 377 Removal Orders were issued.

Florida . The Governor of Florida and I signed a Memorandum of Understanding (MOU) in April. This agreement states that the Governor will grant conditional commutations of sentence to certain nonviolent alien inmates. If the aliens concede deportability, EOIR issues a Final Order of Deportation and INS expeditiously removes the alien from the United States. As of June, 113 aliens have been granted clemency under this program and been removed from the country. Of 500 foreign-born inmates that the State of Florida initially considered for clemency, approximately 20 percent have been issued a Final Order of Deportation. Approximately 10 percent are not subject to administrative proceedings, and a large percentage of the rest are in various stages of the IHP process.

California. On September 1, INS and the California Bureau of Criminal Identification and Information (BCII) entered into an agreement where 300-600 criminal aliens who were previously deported from the United States through the IHP will have their fingerprints entered in California's Automated Criminal History System. The BCII will place a flag on the alien's record to enable California law enforcement agencies to notify INS if the alien is subsequently encountered so we can prosecute for re-entry after

deportation. As of October 2, local police in California have apprehended 35 criminal aliens previously deported by INS.

We are also working with state and local law enforcement agencies to assist them in identifying arrested individuals and determining their immigration status. Beginning in July, the INS Law Enforcement Support Center in South Burlington, Vermont, became operational on an around-the-clock basis.

Initially, access is limited to the Phoenix Police Department, although we have already begun to explore broadening the pilot within the state of Arizona. The pilot will continue for approximately 6 months, at which time a comprehensive evaluation will be conducted in anticipation of expanding access to the remaining states.

#### IMPROVING EMPLOYER SANCTIONS ENFORCEMENT

The Administration's 1995 Immigration Initiatives include strategies to reduce incentives for unlawful migration by providing employers with the necessary tools to comply with the employer sanctions provisions of the law. We have focused our enforcement efforts on high-violator industries and employers who exploit undocumented workers. We have enhanced INS systems used to verify eligibility for employment and benefits.

In previous testimony with this subcommittee I discussed our cooperation with the Department of Labor, the reduction of documents which may be used in the employment authorization verification process, expansion of the Telephone Verification System, and our plans to enhance the security of INS issued documents.

#### Systematic Alien Verification For Entitlements Program

The Systematic Alien Verification For Entitlements Program (SAVE) is an automated system that provides information on the status of aliens in the country. Where necessary, automated inquiries are referred to secondary verification for a manual check. More than 126 agencies participate in the SAVE Program in over 2,000 locations nationwide, including, at the Federal level, the Departments of Agriculture, Health and Human Services, Labor and Education. Recently three additional agencies signed a Memorandum of Understanding to participate in the SAVE Program: California Department of Motor Vehicles, the Federal Emergency Management Agency, and the Massachusetts Department of Public Welfare.

The SAVE Program is supported by the Alien Status Verification Index (ASVI) data base. INS recently completed data base enhancements to increase the accuracy and timeliness of the ASVI data and included nonimmigrant data that increased the size of the database from 28 million to 49 million records.

PROMOTING NATURALIZATION

One of my primary goals as Commissioner has been to promote naturalization for all eligible immigrants. Our goal is to focus on the 3 million permanent residents who gained permanent residence through the legalization program, as well as to reach out to those permanent residents who have never chosen to become full partners in America. Emphasizing that the best public awareness program is the speedy, efficient delivery of a quality product, we are implementing a naturalization initiative to process the additional filings anticipated as a result of legalized applicants and our promotional activities.

As part of our naturalization initiative, we are streamlining the interview process by developing an approach for waiving interviews for certain groups of permanent residents. We are expediting the application process through centralized case handling at our Service Centers and timely interviews at local offices. We are currently piloting the automated direct-mail project at the Baltimore District Office.

In addition to streamlining the naturalization process, we are hiring additional staff to speed the processing of naturalization applications, scheduling of interviews, and administration of naturalization ceremonies. Anticipating increased public interest in naturalization, we plan to make an "800" telephone number

available which will feature live assistance offering technical information in English and Spanish. The automated system is designed to answer up to 2,500 calls daily.

As part of the President's Immigration Initiative, we are using new resources to develop pilot projects promoting naturalization in six of our districts. We plan to provide funding to community-based organizations through cooperative agreements. These organizations will work closely with INS field offices to reach out to eligible naturalization applicants, use creative approaches, make them aware of the process, and assist them individually or in groups to complete and file their naturalization applications. These groups will also help the applicants meet their educational requirements and assist our local offices in setting up naturalization ceremonies.

Our district directors are meeting periodically with community groups to promote naturalization and plan and implement local activities, such as special swearing-in ceremonies, English and civics classes or standardized testing services for applicants, public forums, media events, exhibits, and distribution of naturalization information. In addition, we plan to conduct an extensive nationwide program to train qualified community-based organizations on how to assist permanent residents, particularly in mass settings, to apply for naturalization.

We are also producing and widely disseminating brochures, posters, flyers, and videos promoting naturalization to our field offices and the general public. The items will be user-friendly and enhance awareness of the naturalization process and facilitate filing of naturalization applications.

I am pleased to tell you that increased interest in citizenship is already reflected in the current filings of naturalization applications. Our total filings for fiscal year 1994 are projected to be above 530,000, with approximately 426,000 persons naturalized. This compares with approximately 522,000 applications filed and 314,681 persons naturalized in fiscal year 1993.

#### Customer Service Improvements

We are taking the Executive Order for Customer Service seriously and are taking steps to improve service to our customers in several areas.

This fiscal year we are improving our telephone service by eliminating the current 58-message "Ask Immigration" system and replacing it with a more user-friendly 10-message system. The new system will replace the current taped menu greeting which lasts 9 minutes with a new menu that takes only 45 seconds. We are also implementing a new toll free 800 phone line for forms requests to improve our service delivery.

We are prototyping a new training format which focuses on helping line employees improve their communications and interpersonal skills to better serve our customers.

Last month we set standards for dealing with customers who seek immigration benefits or services. Standards for enforcement activities and intra-agency administrative support are also being developed. These standards include an INS commitment to treat our customers with courtesy and respect and set specific time frames for INS servicing.

#### AUTOMATION INFRASTRUCTURE IMPROVEMENTS

INS has begun to invest in technologies as a resource multiplying strategy to improve safety, effectiveness, and productivity of our operations and support personnel. Fiscal year 1994 accomplishments lay the foundation for the rapid deployment of an information systems infrastructure that will integrate and consolidate access to INS corporate information, streamline internal operations, reduce paperwork flow, and result in the redeployment of operational resources to the front-line.

At the end of FY 1994 we awarded two major ADP contracts. The Information Technology Partnership contract was awarded to EDS Corporation and will implement a quality management partner arrangement for high-performance results. A performance measurement

plan was completed and is being implemented to measure quantitatively INS' information technology return on investment. GSA has praised the methodology used on the contract, and it has become a model contract for applying performance measurement to service contracts throughout the government.

The Personal Workstation Acquisition Contract, the largest hardware acquisition ever awarded by INS, was awarded to TELOS Corporation of Herndon, VA. This contract is a mechanism for acquiring the end user tier of ADP equipment, packaged software and related technical support for building INS' future information infrastructure.

We are re-engineering the case processing and management activities of the Enforcement Program and as stated earlier, have deployed the Enforce Phase I system in the San Diego and McAllen Border Patrol Sectors. Current statistics show a reduction in processing time for an administrative case from 2.8 hours to 20-30 minutes. For the processing of paperwork for a felony smuggling case, there has been a 33 percent decrease in processing time.

INS is completing plans for the enhancement of INS corporate data assets through re-engineering separate data systems and the development of access to alien information. Crime bill funding for this initiative in FY 95 will allow for the rapid implementation of this key re-engineering effort in support of the development of INS' corporate information highway.

We also completed the development and deployment of the border intrusion detection and officer dispatch/tracking system (CADRE/ICAD) in Swanton, Vermont and Houlton, Maine Border Patrol. The system was installed for testing at the Marfa, Texas, and San Diego Sector Headquarters. Work has begun on the production of the next generation of intrusion detection sensors which will be a precursor to a major acquisition later this fiscal year.

The Computer Linked Application Information Management System (CLAIMS) used for all benefit applications has been enhanced to:

- provide an imaging capability for the production of secure travel documents,
- enable the processing of legalization and Administrative Appeals Office cases,
- implement an electronic case transfer capability that allows processing of a case from multiple sites (i.e., perform data entry at the service center and interview at the District Office),
- provide an electronic interface with the Immigration Card Facility that will speed processing, reduce costs, and provide an interview scheduler capability.

These system enhancements are key to preventing improper benefits being granted and improving benefit services to our lawful customers, faster, better, and with less expense. In the past 4

years, the implementation of automation initiatives has contributed to more than an 80 percent increase in adjudication productivity at INS Service Centers.

We recently installed a pilot video teleconferencing link-up between the immigration court in Chicago and the Bureau of Prisons Medical Center in Lexington, Kentucky. This pilot program reduces the need to transport aliens from the institution to court and dramatically reduces the risk of escapes. It is expected to provide a return on investment through travel cost savings and increased productivity of both judges and attorneys.

We have completed a priority list for the deployment of our comprehensive automation infrastructure. By the end of this year 31 percent of Service locations will be completed, covering 60 percent of the INS workforce. By fiscal year 1997, the INS automation infrastructure should be fully deployed and provide employees Service-wide with the capability to electronically exchange data and use advanced office automation resources to perform their jobs.

#### POLICY LEADERSHIP

My final goal is for INS to assume a strong role as a leader in immigration policy. Not only must INS be a source of innovation for the future, we must play a central role within the Administration and in working with Congress to address the major

national and international issues which are increasingly being posed by immigration policy. We have made great strides in this regard as we have been a major player within the Administration on the many immigration-related issues that have come to the forefront over the past year. We have assumed a leadership role with the White House in coordinating immigration-related interagency responses to an ever growing number of issues involving immigration.

### Strategic Planning

Even before I became Commissioner, INS had begun an extensive strategic planning effort to define how we see ourselves as an agency, to establish a philosophic framework for decisionmaking, and to set goals and objectives to ensure that we are all moving in the same direction over the long term. This effort, which will provide a sound basis for fostering policy leadership, as well as professionalism within INS, is about to be completed. The published document will be circulated this fall.

The strategic plan includes strategies to further my three goals for INS--professionalism, control with compassion, and policy leadership. It embraces the major strategic concepts which INS will use to guide decision and policy making. These concepts, recurring themes which cut across more specific program-focused strategies, include: deterrence of illegal immigration,

compliance, professionalism, timeliness, integration of efforts, concentration of resources, and communicating immigration information within and outside INS. The strategic plan will help us move ahead, to rethink how we do things, to accomplish our mission in new ways, and to improve and innovate. It will provide a guide for decision and policy making for the next several years.

As mentioned earlier, I established the position of Executive Associate Commissioner for Policy and Planning to institutionalize this strategic planning process within INS operations.

We have already begun to use the concepts and strategies in our strategic plan. We developed agency-wide priorities for 1995 and formulated the FY 1996 budget request based on our strategic plan. Using a participative management style to both plan and formulate the budget request, teams of senior program and field participants identified innovative strategies and integrated programmatic approaches and associated costs to address agency priorities. In the spirit of NPR, we also included DOJ analysts on the teams. As a result of the improved process and of including INS field managers and DOJ staff as team participants the product was well thought through and stronger than in past years.

#### Estimates of the Resident Undocumented Migrant Population

We have made significant progress in developing sound estimates of

the resident undocumented migrant population to help shape the debate over the size and impact of this population. Estimates of the undocumented population have been subject to speculation and hyperbole in the past, with little regard for factual information to support these figures.

This year INS, working with Bureau of the Census and other researchers, completed an extensive analysis of the size, origin, and state of residence of the resident undocumented migrant population. This analysis is based on INS and Census data, and has been highly acclaimed by experts as the best estimates available. According to these estimates, there are currently about 4 million undocumented migrants residing in the United States.

This analysis dispels some myths about undocumented migration flows and raises some interesting policy questions. Contrary to popular opinion, only about half of the unlawful residents entered unlawfully across the borders. The remainder entered the United States with visas but did not leave. More than traditional border enforcement efforts, therefore, are required to deter the undocumented flow. Unlawful residents come from all parts of the world. Only 39 percent of the total are estimated to be Mexican nationals. Sizeable flows also have come from Central America, Canada, Haiti, the Philippines, and Poland. Like legal immigrants, the undocumented population clusters in just a few states--85 percent reside in six states: California, New York, Texas,

Florida, Illinois, and New Jersey.

#### FINANCIAL MANAGEMENT IMPROVEMENTS

Over the past several years both internal and external reviews of INS have criticized financial management procedures. INS has reached an agreement with Department of Justice to implement an INS financial management system that meets the prescribed standards for such systems. We have moved rapidly to put a development oversight team in place and to engage the consulting arm of the Treasury Department to assist in defining requirements and developing solicitation documents to acquire an off-the-shelf software package to replace INS' 16-year-old accounting system.

In the past year we have made substantial improvements in our financial management systems. Last May, we implemented a debt collection system following several years of intermittent development. The new system tracks receivables, generates dunning notices, and computes interest and penalties to update the accounting system.

We have expanded oversight of User Fee remitters and begun billing interest for large late payments and aggressively pursuing collections from carriers, using payment plans as warranted. INS has also improved its revenue projections for the User Fee account by using carrier-by-carrier data.

We have also developed a tougher policy for dealing with bonding companies by refusing to do business with firms that do not pay outstanding debts. The Bond Management Information System, currently under development, is scheduled for implementation later this fiscal year.

Over the past year we have also improved the quarterly financial reviews provided to senior management. Quarterly financial reports are prepared for the Service as a whole on a nationwide basis for each program and field office. Receipts from fee accounts are monitored and reassessed. Comparison of budget allocations, obligations to date, and projected spending, as well as projected fee revenues, provide the opportunity to surface issues early in the year and detect and address potential problems.

#### CONCLUSION

Taken together, these initiatives and program innovations will build an Immigration and Naturalization Service worthy of the public confidence. We want to ensure that INS has a work force which is dedicated and professional. We are building integrated processes to demonstrate that we can administer the immigration laws to preserve our tradition of generous legal immigration policy while deterring illegal immigration effectively and administering our admissions policy fairly in a world beset by economic and human rights deprivations. Finally, through these efforts, we are increasingly augmenting our capability to take the leadership role necessary to recommend and implement policies that meet the needs of the nation.

Mr. MAZZOLI. Thank you very much.

I will start. You have read the New York Times articles, and I know that you sent us your own memo to your people urging them to not only read them but to look at the various points that you brought up regarding the subject issues that were taken up by the reporters. Do you think it was a fair job of reporting?

Ms. MEISSNER. Well, as I said, both verbally and in writing to the INS employees when the New York Times series came out, we acknowledge that as an institution we have longstanding problems which need to be addressed. At the same time, we have, as I said, a very aggressive program of change underway.

We are truly transforming ourselves as an organization and we are transforming ourselves in ways that insist on effective internal management, insist on high standards of conduct, insist on measuring the work that we do so that we truly know whether we are effective or not and also insist on being prepared to meet the challenges of a world in which international migration pressures is not only an important national, but an emerging issue of international importance.

We are not the agency we were a year ago. We are also not the agency we want to be. But we have a clear plan for getting to be the agency we want it to be.

And I think that the New York Times series certainly pointed out and spotlighted some of the areas that need to be addressed that we are addressing. There also are a range of other things that are occurring which they did not note and which I hope the committee is aware of and more generally will become apparent.

Mr. MAZZOLI. If there were two sort of broad points that the series of articles made, I think I would have to say that one is that nothing ever seems to change. You weren't in the room when I made my opening statement today, but I used the alleged Yogi Berra statement of "déjà vu all over again," in a setting of 14 years ago we had Cubans and Haitians coming into the United States, 14 years ago we had frustration building up in the populace about the question illegal entry. Fourteen years ago we had apprehensions of over a million and we are back at that level again.

So one of the points the Times article I think made, was that nothing ever seems to change. We always seem to be pretty much at the same point, we are about to do this, to do that, we understand our problems, we clearly know what we have to do and now we are about doing it. That is our mission next. That is one point I wish you would address in a general way.

Any of your colleagues may have seen more change or less change, more responsiveness on our part or too little, and it would help us to flesh it out. The New York Times article made the point that no one seems to be responsible, in effect, no one seems to be willing to or adequately accepting the fact that these things could have been done better, and because they weren't, somebody gets sacked or somebody gets reassigned or somebody gets something.

Anyway, let me start with the first one and however you want to address that individually.

Is that a fair statement and do you think that is one of the points made and should it have been made, which is that nothing

seems to change, we always seem to be on the verge of doing something but nothing gets done?

Ms. MEISSNER. I would argue that it has been an extraordinary period of change, where a great deal of change has already been demonstrated. The issues that you raise, the Cuban and Haitian emergency flows, this administration has entirely changed the way in which we handle those emergency situations.

We have in both cases made significant policy changes from the way that the Cuban and Haitian flows were treated in the past. We have said that we are not prepared to have emergency migration, self-selected immigrants simply land on our shores. We have turned to a new policy approach, the safe haven approach, which has never been an approach that has been used by the United States.

It is a response that is typical in other parts of the world. It is not an approach that has been typical in this hemisphere. It is now characterizing the way the United States is responding to certain flows.

More importantly, in the case of Haiti, that response, that safe haven response has been and is being combined with a very, very serious effort to deal with the underlying causes of the migration in Haiti, to the point of the commitment of our military to dealing with the root causes of the migration in Haiti. So that is a dramatic, dramatic turnaround.

Moreover, where other areas of immigration are concerned, take the Southern border, we are demonstrating—it is not just a promise, it is not just something in the future—we are demonstrating that prevention through deterrence can work and will be made to work on the Southern border.

We have mobilized an entirely different effort in the Southwest. We have combined people with equipment, with technology. We have made a very serious analysis within the administration of what the budget requirements would be to create an effective border effort, an effective prevention of entry effort on our land borders.

We have brought that proposal forward to the Congress and the Congress accepted the idea through appropriation in August, and we are well into implementing those changes with the kinds of results that we demonstrate in our testimony and that I tried to characterize with an anecdote of that letter.

Moreover, the relationships within the executive branch where immigration is concerned are very different from what they have been traditionally. I think it is fair to say this Attorney General has been before the Congress on immigration more within the last year than probably all Attorneys General in the last decade.

The Attorney General works with the Immigration Service not only here in Washington but has visited and become actively engaged in our field efforts in ways that are absolutely unprecedented. Moreover, we are receiving support, policy support as well as resources support, from the administration again in an unprecedented way.

So I think we are talking not only about change and promising it in the future, and there will be more change in the future, we have very serious and palpable results that we have already dem-

onstrated. That is not to say that these problems are not long term. They are embedded in our international system at the present time.

But we are confronting them and we are bringing innovation and resourceful solutions in ways that I don't believe has been seen in the past.

Mr. MAZZOLI. I appreciate that.

The question of responsibility or the shifting of it or the avoidance of it, that in your watch of about a year now, have you seen what might be characterized as such unprofessionalism or incompetency at any level in your agency that it warrants their dismissal or reassignment or counseling or whatever the terminology is nowadays?

Ms. MEISSNER. There is a whole range of disciplinary procedures available to us from counseling to removal, and we use them all, depending on the circumstances.

Mr. MAZZOLI. Have you though—have you, not just as a result of the New York Times—I would hope that it hasn't been since September.

Ms. MEISSNER. No. People have been removed from the Service during my tenure and they have been disciplined and they have been investigated, and we will continue to do that.

Mr. MAZZOLI. The last question is this, and that is getting back to my general question with GAO, which was is it fair to nail you with all this criticism from time to time when after all, you have changes at the top, new Attorneys General, new Presidents, new administration, new national priorities, if you want to call them that, political realities, as we have in California, and the question was, I mean, can there be real change made when you have all these variables at the top?

Are these programs like Operation Blockade, Gatekeeper, now in southern California and one that is in El Paso, are they going to be enduring or are they going to be transitory depending on who is Attorney General or who is President?

Are these enduring? Are they embedded into the system now to the point that they will not be evaporating in the next couple of years?

Ms. MEISSNER. We are doing everything that we can to make changes that are institutionalized changes. We are not into razzle-dazzle, we are not into contrived activities. What we are doing is real.

As long as this executive staff is responsible for the Immigration and Naturalization Service, and as long as I am working with them, we'll be making serious changes of the kind that we have already underway and that we are describing to you. I can't answer, obviously, to what happens after that, but the program that we are pursuing is real.

Mr. MAZZOLI. The question is, the GAO said that there were certain things that they felt despite these variables should be enacted and in place, and I use the term the letters should be opened, the phone calls should be answered, the money should be collected, invoices should be sent out regardless of whether we decide the Operation Gatekeeper is good or bad.

The question is will you be able to put in place things that will last for the next administration or the continuation of this administration?

Ms. MEISSNER. Let me say that, as you know, one of the major objectives that we are pursuing is serious investment in the infrastructure of the Immigration Service as a government agency. We all know policies can change and policies may change, but in terms of the way we are investing the money which the Congress is giving us, in terms of the way in which we are addressing the policy objectives that we are trying to achieve, they are being addressed in ways that build the capability and the systems and the tools that the Immigration Service as an institution and its people have available to it to do their jobs. That should be to the lasting contribution, and it is our intent that that is the lasting contribution that we make.

Mr. MAZZOLI. Thank you.

The gentleman from Florida.

Mr. MCCOLLUM. It is always a pleasure to see you, Ms. Meissner. Any comments I make I have to frame them in my past experience knowing how dedicated you are to making this Immigration Service work.

I do have a couple of questions about policy that I would like to ask you. One of them is something that the chairman and I discussed a little bit in the opening remarks that we did before perhaps you walked in the room about the reaction in a different shop than yours, at the White House, to Barbara Jordan's Commission and its recent interim report.

It was a little disturbing the way the press reported receipt of that Commission report by the White House folks. Have you looked at the Commission interim report? Do you share the concerns that have been reported in the press that some presumably have at the White House about the national registry system and this report, or what is the status as far as the Immigration Service is concerned in evaluating the Commission's report at this time?

Ms. MEISSNER. Absolutely, I have looked at the Commission's report. Not only have I looked at it, we have worked very closely with the Commission. Not only do we have staff detailed to the Commission, but have been in close contact with them as they developed their recommendations.

I must tell you that we have been somewhat amazed by the press reporting on this because indeed the administration and certainly the Immigration Service is exceptionally interested in what the Commission has to say, and we are absolutely committed to the idea that employer verification, where employer sanctions enforcement is concerned, must be improved.

It is a goal that we share with the Commission and it is not only a goal that we share with the Commission, it is something that within the Immigration Service we have been pursuing and we have included or did include this past year as one of our five major areas of concern when we came forward to the Congress asking for funding to improve our own operations.

Now, we are not yet ready to say whether we think that the registry is the way to get that improved employer verification, but we very much support pilot projects. We have had our own pilot

projects underway. We want to expand pilot projects that evaluate and determine what the best way is to achieve effective employer verification. We want to reduce the numbers of documents that are available and that are required, that employers can use. We want more dependable effective ways for enforcing employer sanctions, and that is what the Commission wants.

Mr. MCCOLLUM. Apparently, somebody down at the White House, I don't know who, I think an OMB person, was cited as saying the registry system couldn't work; it was too expensive, et cetera. I suggest that dismissing it out-of-hand, because there may be a cost factor involved, is something that shouldn't be done. I wouldn't think you would want to do that.

Mr. MAZZOLI. Would the gentleman yield?

I think the gentleman makes a very important point. You were not in the room when I delivered my statement on this. I was very much disappointed at the summary and preemptory way that this report, coming from a panel of wide diversity in its background, led by a Chair who has universal esteem for her wisdom and for her hard work and her knowledge of public policy, for it to have gotten the back of the hand, off the table, into the garbage can that quick before the ink was even dry, was wrong.

One thing I saluted the President was the fact that when you were introduced, you were introduced not in some obscure room at the Justice Department, but on the South Lawn of the White House, in front of a very nice group of people. I was happy to be there as one who played a role. Very important. It gave stature to you. It gave stature to the Immigration Service and it underscored concretely the devotion of this administration and your Attorney General to the Immigration Service and to its very difficult role, much more so than if you had a normal announcement.

Why was that report given to some factotum, a functionary? Why not have it given to the Attorney General or to the President in a ceremony? They don't have to agree with it. There are people on this subcommittee that don't agree with registries or ID cards or a lot of things.

This came from a very important group of people doing a very difficult job, and they did it unanimously. And you said yourself that you had worked closely with the Commission developing these recommendations. So it seems to me that the preemptory way they treated the report is unfortunately kind of a preemptory way to treat the INS. I think that somebody ought to understand better than was understood last Friday as to how this thing ought to go.

I am glad the gentleman brought that up.

Mr. MCCOLLUM. I appreciate it, Mr. Chairman, and I don't want to beat a horse anymore on that issue. Because I think, Ms. Meissner, that you would be more than sympathetic to our views, but we perceive that a lot more is going to have to be done internally within the administration to win on the day on this. Those of us who will be around in the next Congress are determined to help accomplish that battle with you.

One other policy question, on the time that I think I still have there, that concerns me is in terms of the question of the Cuba policy. I know that a parole status was used or is going to be used, to parole in quite a sizable number of the 20,000 or so we have

agreed to take with the latest agreement with the folks who we have negotiated with on Cuba.

Can you tell me on what basis the administration and you believe you have authority under the law to do this? It seems to me that the parole status is very much being abused here even though I might agree with the bigger and broader objectives.

Ms. MEISSNER. In the case of the Cuban migration agreement, the overarching policy objective has been to try to change the psychology and change the past policy of Cuban migration being one that is self-selected and simply comes to the United States, and channel that into a legal migration and into a migration that is safe and orderly and more consistent over the long term with immigration policy from other countries. Use of the parole as a transition effort to try to bridge this change so that we are no longer encouraging Cubans to come to the country on rafts, in dangerous ways, but indeed offer opportunities within Cuba to apply through legal processes to come to the United States in, as we said, a safe and orderly fashion.

Now, the parole will be buttressing the other avenues of legal immigration that are available under the law, which include, obviously, immigrant visa processing, the other forms of preference admissions to the United States, and an increase in the refugee program that has existed in Cuba for several years.

The parole, in this case, is public interest parole. It is parole that we are exercising for the public interest of the United States to achieve a national interest, and the national interest in this case, obviously, is one of promoting a legal, orderly migration flow. It is a similar use of the parole to the use that has been given to parole in the case of the Soviet flow over the years, in the case of moving the Indochinese flow, from a boat flow to an orderly departure.

It is analogous to those uses of the parole, but most importantly, it is a transition measure. It is a measure based on an effort to try to move from a highly irregular situation to as much of a normalized situation as possible.

Mr. MCCOLLUM. I don't want to take more time. I would like to have you thinking about how, answering questions that I may ask later about how long this is likely to go on, what numbers we are dealing with, who will be paroled as opposed to the others, categories coming in of the 20,000, but I don't want to take more time away from my colleagues.

Ms. MEISSNER. We have those statistics and will be happy to provide them.

[The information was not available at the time of printing.]

Mr. MCCOLLUM. I yield back.

Mr. BECERRA [presiding]. As folks can see, the chairman had to step out and I will be substituting as chairman for him.

Let me ask a few questions with regard to the whole issue of the undocumented. And, Commissioner, first, let me welcome you and everybody from the INS for being here. I appreciate the time that you have taken in the past year and a half that you have been on board to try to address concerns this committee has raised.

With regard to the issue of the undocumented immigration, I asked Ms. Ekstrand from GAO about the issue of the visa overstayers. I think it is a neglected fact that more than half the

people that are in this country without documents, the so-called illegal alien, is constituted of a group of people who at one point entered this country with a right to be here with visas and have overstayed, and now they are lost in the depths of this country's borders and it makes it very difficult to find them.

Has INS decided on any particular approach to that portion of the undocumented population to try to somehow reduce the numbers of people who are here without documents, who actually come here first with the right to be here?

Ms. MEISSNER. The visa overstay issue is an issue that we emphasize as much as we can because the problem of illegal immigration is often characterized in the public mind as being purely a problem of the Southwest border, and more specifically, purely an issue of Mexican immigration. That, as you know, is not true.

So it is our numbers and our analysis that makes it clear that the illegal immigration issue is far more than that and is half visa overstays. Because those people came with documents properly in the first place, it is more difficult to deal with enforcement from the standpoint of prevention of entry, which is our border strategy, and therefore we have to deal with that population as it is in the United States.

The tools that are available to us first and foremost are in the workplace. They are, first, an effective employer sanctions' enforcement program that denies work to people who are not authorized to work.

Second, the improvements and timeliness in particular, with which the asylum program will now begin to run is an important deterrence to the visa overstayers because we do believe and we do find that there are a substantial group of people within the asylum caseloads who tend not to be legitimate asylum-seekers who apply for asylum as a way of stopping the clock.

The difficulty that we have had in keeping up with that caseload has encouraged that tendency, and we have been very aggressive in pursuit of measures to create a timely, fair asylum system. That should discourage the tendency of the visa overstay to use that as an avenue for abuse.

There is a potential for visa overstayers to become part of the criminal organization. I am not suggesting that visa overstayers in general are criminals, but there is some connection there. So to the extent that we have effective criminal alien removal programs, which is another priority for the Immigration Service at the present time, discourages that avenue of abuse.

Mr. BECERRA. I don't know of anyone who has come up with an answer to try to address the visa overstay issue, but I would hope in the process of trying to come up with reforms that the Department of Justice and INS more specifically give Congress some ideas of how we could try to help you address that, if nothing more than perhaps doing some analysis or study of those people who seem to be staying beyond the time that they are allowed for their visa. Maybe there is some better way of detecting those people who intend to really stay beyond the visitor status that they have or the student status they might have. If we are going to try to address the issue of undocumented immigration, we cannot neglect the issue of those who stay beyond the time of their visa.

Another question, and I ask this because oftentimes we raise the hopes and expectations of people both in the administration and in Congress when we talk about programs and moneys that are being allocated. Give us some sense of what the recent initiatives that the administration has proposed and Congress has actually funded—give us an idea of what we can expect to see over the next year or so as you begin to implement some of these programs and begin to see the moneys coming in to implement those programs.

And I ask for specifics, because I know some people think that because we allocated money in the crime bill, you will be able to apprehend or prosecute or deport everyone in the jails or be able to stop everybody coming across our borders. Give me some sense of what you have been given, where it will take you and what we can expect?

Ms. MEISSNER. For this fiscal year that begins this past weekend, we will be receiving about a 25-percent increase in our resources, in other words, something over \$400 million, bringing us to about a \$2.1 billion budget. A 25-percent increase in resources is an extraordinary increase, probably about as much as any organization can take in and effectively implement, regardless of what its broad needs may be, so this is a very, very substantial infusion.

What this infusion will do for us is it will allow us to strengthen the immigration system in the key initiative areas that the administration has presented, those being strengthening border enforcement so that we get much better prevention of illegal entry, particularly at the Southwest border—

Mr. BECERRA. When you say border enforcement, should we expect a doubling of the Border Patrol force, a 20-percent increase—

Ms. MEISSNER. We presently have a Border Patrol force of about 4,000. By the end of next year, with the increases in the budget, we will be adding about 700, so—in the places of high crossing, for instance, southern California, by the end of next year, there will be a 60-percent increase in Border Patrol resources because of the fact that we are allocating the resources to where the problem is.

We will, where criminal aliens are concerned, be at least doubling the numbers of deportations. That will be focused in the five States that have 75 percent of the criminal alien population. That is a significant increase in safety in those States and in effectiveness where criminal alien activity is concerned.

Third, we will by the end of this next year have an asylum system which is processing all of the receipts received so we will be keeping up with the caseloads and beginning to work off the backlog. That, we believe, will have a very important self-correcting effect on the filing of asylum claims that are not legitimate. So that the asylum system, we believe, with the publication of the new rule and the new resources, the difficulties that existed a year ago will essentially be cured.

Mr. BECERRA. Are you saying that you will be addressing not only the current receipts but also the backlog estimated by GAO to be approaching 500,000 or 600,000 people?

Ms. MEISSNER. Right. The real time backlog is more in the neighborhood of 300,000, because of the fact that there are a chunk of cases in there from a lawsuit that are longstanding. So we will be

processing current receipts and we will be, as I said, beginning to work off the backlog. But it is the staying current with incoming receipts that is crucial because that timeliness is what begins to discourage improper filings.

Fourth, we will be making a stronger effort where employer sanctions is concerned. We have stronger efforts in mind in future years. We believe we have a considerable distance to go where employer sanctions enforcement and employer verification is concerned, but a more effective employer sanctions effort with greater possibilities for pilot projects, testing employer verification systems, and focusing on high illegal alien impact employers and industries as well as fraudulent document activities. That is part of our 1995 effort and that will be followed up in 1996 with a broader effort.

Finally, we will in this year be focusing on the naturalization caseloads in particular. We are preparing ourselves to be able to be responsive to the very large numbers of filings from the legalization population. We expect that caseload to go well over 500,000. It may approach 600,000. That is an extraordinary caseload and we will be not only streamlining our own procedures but working out what we hope are effective partnerships in the community to be handling those applications, as well as an outreach campaign and a public education effort that will have been unprecedented for the Service.

All of that is done in a way that builds the automation infrastructure of the Service in particular, because the work methods that we have designed to accomplish those objectives are ones that rely heavily on automated data bases on integrating our information systems in ways that allow our people to be more productive and our information to be accurate.

Mr. BECERRA. Thank you.

I know my time has expired, so let me move on to the gentleman from Texas, Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

Commissioner Meissner, thank you for being here today. We appreciate your consistent cooperation in appearing before this committee.

I would like to go back to the recommendations of the Commission on Immigration Reform and to say also that I was really disappointed that the administration did not accept the recommendations of the Commission. Here you had a Commission of great diversity, that was unanimous in its recommendations, and I was very embarrassed for my friend from Texas, Barbara Jordan, whom I know, to have the rug pulled out from underneath her, or that was the appearance on some of the key elements of the recommendations of the Commission.

The Saturday Washington Post, after the Friday release of the Commission recommendations, headline reads: "White House Rejects Registry Idea by Panel, Officials Say."

Would you agree that is an accurate headline or not?

Ms. MEISSNER. That is not an accurate headline.

Mr. SMITH. You mentioned that you were interested in some of the pilot programs. Are you talking specifically about the pilot programs recommended by this Commission.

Let me read a quote from Barbara Jordan: Arguing that Clinton has the authority to act immediately on his own, she said: "If he wants to say we like these recommendations, let's start the pilots. He could start it tomorrow."

If you are interested, why not start tomorrow?

Ms. MEISSNER. I am not sure anybody could actually start tomorrow. But we are interested in pilot programs and interested in the pilot programs that the Commission has recommended. We will be next week presenting the President's report which is the companion report to the Commission report that the legislation requires, and we will be speaking in more detail at that time about the recommendations the Commission has made and pilot programs.

Mr. SMITH. You say you are interested. You could be interested in any subject whether you agree with it or disagree with it. Do you expect to implement any of the pilot programs recommended by the Commission?

Ms. MEISSNER. We do expect to implement pilot programs along the lines that the Commission recommended, yes.

Mr. SMITH. But not what they recommended?

Ms. MEISSNER. We are talking with them about what the extent of those pilots would be, what they really mean by statewide pilots, as compared to the pilot programs that are underway. But we are not in any way rejecting their recommendation for pilots, nor are we in any way rejecting their recommendation for a registry. We want to look at it, we want to look at improved employer verification and we think they have given us a very good roadmap.

Mr. SMITH. I can see where the media might think some of the recommendations were rejected, because to say you are going to look at them, is not to embrace them. To say you want to study them, is not to accept them. That is probably why they reached the conclusion that they did.

You mentioned a while ago the idea of verifying whether employees are in this country legally or not. It seems to me that one of the real abuses in the system is the widespread use of fraudulent documents, and I have seen studies that say half, perhaps, of the illegal aliens in this country are using fraudulent documents to wrongfully and illegally obtain jobs.

What do you propose that we do about the fraudulent documents? It seems to me, and tell me if you have a better solution, that the only way to try to reduce the widespread use of fraudulent documents is to use some form of tamper-proof, verifiable system that can identify individuals in the United States, not far removed from the type of identification that is used by so many agencies, private and public, to identify each one of us in this room, whether it be by visa cards or driver's licenses—what is your answer if not verifiable tamper-proof identification?

Ms. MEISSNER. Fraudulent documents are a very high concern to us. One of the—from the standpoint of the Immigration Service, we obviously are responsible for issuing documents to people who are noncitizens. In the case of the documents that we issue, we have been for many years improving the documents that we issue and reducing the documents that we issue. We are now at the point where within the next 2 or 3 years, we will be issuing only a work authorization document and what is known as the green card.

Mr. SMITH. Those are the only two documents that would be used to prove—

Ms. MEISSNER. To prove legal status if you are a noncitizen.

Mr. SMITH. Would they be tamper-proof?

Ms. MEISSNER. Yes.

Mr. SMITH. Would they have identification of the individual on the card?

Ms. MEISSNER. Yes. And, in fact, the green card at the present time does, but we are always improving the technology. In the case of the green card, for instance, our current green card replacement program is an effort at improving documents. We put a regulation out for comment last year that reduced the number of documents to be used for employer sanctions from 29 to 16.

There are a few documents in that list that are not prescribed by the statute, but by and large, we are proposing through regulatory change to reduce almost to the point of the numbers of documents that are listed in the statute. The real issue is the issue of citizens and the documents that citizens carry, and that is a broader discussion.

Mr. SMITH. The new cards that would be issued that you said had identification and were tamper-proof, would apply just to individuals now applying, now becoming part of the system; it wouldn't necessarily stop the current use of other violators?

Ms. MEISSNER. It would stop the current use because through the green card replacement program, we are calling in the old green cards that are the least secure. And we have extended that program until next spring in order to get a broader publicity effort and to have more time. Everybody that comes in through a port of entry, everybody that comes to one of our offices using one of these old documents is being told.

Similarly, with the employment authorization document, which is the other key document, those documents are time limited, so that people have to have them reissued at 6-month intervals or at 1-year, depending upon what their status is, with very few exceptions. So each time that people come in to have a document replaced, as an ongoing matter, we would be replacing them with secure documents.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. BECERRA. Let me see if my colleague from Florida has further questions?

Mr. MCCOLLUM. I do, Mr. Chairman.

Thank you very much. I would like to follow up with a Cuban question a bit.

Let me state up front, I recognize the basis upon which the Attorney General is exercising the parole authority. I don't necessarily agree as a matter of public policy that this is a good idea in terms of what we are doing to the immigration law. I think that there is a question of exigencies of the moment, and somebody obviously looked at a relief valve and found that this seemed to be one that was usable.

What bothers me is that, as you know, parole was designed to be temporary in nature. When I think of parole, I think of parole as somebody coming here because they have a specific illness, a condition because of which they don't have time to get a visa. The

public interest of the United States has been used, theoretically in the past to parole people here temporarily. I would have thought normally that that would be temporarily until they left.

But under the Cuban situation, both now and under what you envision doing if somebody is paroled under the powers that the Attorney General is exercising and anticipating to exercise in this case, the reality is while the parole status may be temporary, the person is going to stay here because they are going to be eligible under the Cuban Adjustment Act, within 1 year to be permanent resident aliens, so everybody that is going to come, is going to stay.

Ms. MEISSNER. We have exercised parole in humanitarian cases and in public-interest cases. When it is humanitarian parole, it tends to be for an illness, for a particular situation that then results in the person returning to their own country.

Where parole has been used for the more general public interest circumstances, that has tended more regularly to be a more permanent and often permanent stay. And that, of course, is likely to be the case with the Cubans because, as you say, not only of the Cuban Adjustment Act but of circumstances in Cuba. We have always made that distinction between parole as a humanitarian action where the emphasis has been on temporary, and parole for the purposes of the public interest or in the national interest, which is when it has often been a permanent thing.

Mr. MCCOLLUM. For both of these statuses, segregating out the Cuban situation because the Cuban Adjustment Act makes this different, do you keep a record of those who you parole in? Do we keep track of them?

Ms. MEISSNER. Yes, sir.

Mr. MCCOLLUM. Can they apply for adjustment of status like anybody else, et cetera?

Ms. MEISSNER. Depending on who they are. In the case of people who have an adjustment of status available to them, obviously, we adjust the status. In the case of the Cuban Adjustment Act, that adjustment is available under the law.

In the case of Soviets and Indochinese who have come in in recent years through our refugee program, there are special adjustment provisions available for them. For others, there are not necessarily special adjustment provisions, and parole can be what we often call a limbo status, where there is not another provision available.

Mr. MCCOLLUM. Do we have numbers of those in the limbo status? Do we keep track of them?

Ms. MEISSNER. We have numbers available, yes.

Mr. MCCOLLUM. At some point, I would like to see them because I think the whole parole question needs to be reviewed. It seems to me, the numbers particularly, that we are dealing with now with the Cubans, could be very large in the end.

Let me ask that question. Right now, in my reading of your testimony, I gather that for the first year, you are going to use parole powers, the Attorney General's parole powers to take care of a sizable number of people who are backlogged who otherwise would be eligible to come here but visa numbers aren't available for them? Is that correct?

Ms. MEISSNER. That is a one-time action, yes, that was included in the agreement.

Mr. MCCOLLUM. I guess you are using parole there, because, technically, if you gave them the visas, you would be using numbers you don't want to use up—is that why you are doing parole for this group?

Ms. MEISSNER. Actually, they are on a visa waiting list, but under the terms of the overall immigration system, their number is not going to become available for 2 to 10 years.

Mr. MCCOLLUM. You could have chosen to make an exception, but if you did, it would skew the whole system of visa numbers?

Ms. MEISSNER. We do not have that discretion.

Mr. MCCOLLUM. Forgetting that group, because that is a separate group, to get to the 20,000, how many in the 20,000, disregarding the group that is sitting there waiting to be backlogged out of here, how many in a year or two from now of the 20,000 do you think will have to come in under the parole status? Do you have any estimate of that?

Ms. MEISSNER. We estimate somewhere in the neighborhood of 5,000 to 6,000.

Mr. ALEINIKOFF. It may be slightly more than that, but included in the 20,000 would be people coming on immigrant visas, as well as refugees.

Mr. MCCOLLUM. Do you think refugee numbers will go up? They haven't been high, but I realize people can get here and stay now.

Mr. ALEINIKOFF. We expect the refugee numbers could be 5,000 or 6,000. The parole program is not final yet.

One of the current ideas is that part of the parole will be used for dependent members of refugee households, which has been the past practice with Cuba. That may be another several thousand. That would not be a new use of parole.

We have been doing that for a number of years in Cuba. It may actually reduce the number of people who will be brought in through a special parole program down to five or six the first year or two and maybe slightly more in years out.

Mr. MCCOLLUM. This program is open-ended, there is under this agreement no set time that we are going to do this for 2 years or 5 years or 8 years, just we are going to do 20,000 from now on until somebody stops it; is that correct?

Ms. MEISSNER. There is no expiration date on the agreement, but we very much view this as a transition arrangement. Our goal here is a normal immigration relationship with Cuba.

Mr. MCCOLLUM. I have no means of wanting to criticize the objective of trying to relieve the problems which we do face there, but I do have lots of problems, and I am looking into the future working with you in the next Congress, with where we are going with this whole concept of parole and refugees. I think that there is a need for us to reexamine this; not to say that you don't need some flexibility, but I think we are making, this is my personal judgment, a mockery of the concept of parole. It is being used much more broadly than I think anybody who wrote this thought it would be.

Does that mean that we shouldn't be doing some of the things that are being done? Not necessarily, but it certainly is not, in my

judgment, a good policy status to have open-ended parole as an immigration policy. That is a judgment call.

Maybe you don't share that, and I recognize that. That is going to be on my agenda in the next year or two to look into. This has just red-flagged it. And I think it is an important issue as we look and review where do we go during the next decade or so with our immigration policies.

Thank you.

Mr. BECERRA. Let me ask a few questions on a couple of different subjects beginning with naturalization. Commissioner, you ended your answers to some of my questions with information on naturalization services. Can you tell me how much will be spent by the INS on naturalization?

Let me ask you first if it is accurate that the moneys that the administration had requested for naturalization were not actually appropriated by Congress in its recent budget allocations for the INS for Justice?

Ms. MEISSNER. The administration request that came to the Congress for naturalization was in the neighborhood of, I think, about \$30 million. And I think the appropriation was about \$5 or \$6 million, so the Congress cut us proportionately more in that category than in the other categories for which we came forward.

On the other hand, we have never asked for naturalization money specifically before, nor has the Congress ever appropriated anything specifically for naturalization. So this is a start and this is money that we will obviously be able to—

Mr. BECERRA. I think we should all tip our hats to the administration and the President and INS for recognizing we need to beef up some of the resources for naturalization. I wish I could say we could pat Congress on the back for recognizing that concern as well, but I don't think we did a very good job.

Are you sure we got \$7 million for naturalization? Was there any money specified for pilot projects to do naturalization outreach? I recall seeing something to that effect.

Ms. MEISSNER. I am just trying to remember. About \$.5 million, \$500,000 was designated as outreach money.

Mr. BECERRA. That is still available and will be done at some point in time. I believe it was to try to concentrate in some States that had high impact—

Ms. MEISSNER. Yes. Our effort here, particularly with the reduced level of funding that we received, will be to focus on the high-concentration areas, and as you know, Los Angeles is the largest.

Mr. BECERRA. So given the \$7 million allocation, give me a quick sense of how the \$7 million will be used.

Ms. MEISSNER. By and large, we will use it internally within INS to staff up, particularly with our clerical staffing, which is very important in the naturalization area to handle the applications, keep them moving, et cetera. We will, as we have always said, be doing some serious redesigning of the system itself. We will be spending some considerable resources on education and outreach.

Mr. BECERRA. What is the total size that INS will spend on naturalization, including the \$7 million that is now being delivered for this coming fiscal year?

Ms. MEISSNER. We will have to disaggregate that for you. We don't keep the accounting that way, but we could give you an estimate on that.

[The information was not available at the time of printing.]

Mr. BECERRA. With regard to naturalization fees, I know fees are collected by those applying for a green card for permission to stay as resident aliens, and there is a fee charged for those wishing to become U.S. citizens. How much is collected in fees for naturalization or for resident alien status?

Ms. MEISSNER. We can give you that number.

[The information was not available at the time of printing.]

Mr. BECERRA. Let me turn to the telephone verification system that the INS has undertaken as a pilot program. I think you had a bit of a colloquy with the gentleman from Texas, I believe, regarding the size of the pilot program and the fact that the INS is planning to expand it. It is currently in how many cities, this pilot program?

Ms. MEISSNER. The telephone verification system currently exists with nine employers. They are large employers, so they are in a number of cities and States. This year, we will be expanding to 200 employers. We basically identify those employers as a result of enforcement actions.

In other words, these are generally employers against whom employer sanction actions have been taken, they are employers who want to come into compliance, they tend to be employers who hire substantial numbers of noncitizens, and so it is voluntary on their part. But it is a service that is made available that allows them then to obey the law.

Mr. BECERRA. With regard to the implementation of the telephone verification system, has any evaluation been done about the potential discrimination that may result in using TVS to enforce employer sanctions? I know that there has been a concern and documentation by the GAO about discrimination by employers against prospective employees, and I am wondering if any research or evaluation has been done to determine if TVS has reduced the levels of discrimination, increased them or given us any sense about discrimination in the whole process of verifying employment?

Ms. MEISSNER. I am not aware of any formal look that has been taken at that issue where TVS is concerned. However, in TVS, as well as in any improved employer verification scheme, the discrimination should decrease, because what should be happening is that the employer has a far more dependable way of determining the legality of who is in front of him, and therefore, he should have less reason to operate on his instinct.

Mr. BECERRA. I understand that that is the expectation. The concern some of us have is if you are talking about a system where you are trying to verify employment status, and you may have a discriminatory impact on U.S. citizens or legal residents—and as I understand it, the GAO report found that 20 percent of employers said that they discriminated in some form or another. Most of it was not invidious discrimination, where they were intentionally seeking to deny someone a job because of his or her appearance or speech, but clearly we found some evidence of discrimination.

If you extrapolate 20 percent, 20 percent of the U.S. work force would end up going toward a system of verification, you could be talking about 30 million people may find themselves facing some form of discrimination. I know that would never happen. But as much as we see a stronger verification system as a good way to reduce the people employed that don't have a right to be working and a good way to try to reduce discrimination, it seems to me that we still have to be cautious, because we are talking about, if not millions, hundreds of thousands of people that may be subject to discrimination and their livelihood, and they will be, in every respect, properly here as legal citizens or legal residents.

Ms. MEISSNER. It is a serious concern, and we believe one of the reasons that we want to improve employer verification, make our own documents more dependable, give employers a way to quickly verify who is before them, require that they cannot cease a hiring action until—as part of that process—those are all efforts that are directed at reducing the discrimination impact in employment.

Mr. BECERRA. In the process of expanding from 9 to 200 employers and in evaluating the success of the pilot program, will there be a component that examines also the issue of discrimination and whether it has been reduced or increased, or what the effects might be, period?

Ms. MEISSNER. I think that is a constructive suggestion. I think we should build that in.

Mr. BECERRA. The idea of going toward some form of national registry or expanding your current pilot program from 9 to 200 employers, I know that the INS is in the process of trying to clean up its data base and making it easier to access for employers or within the agency itself. In 1993, I know the Justice Department did an audit of the data base that the INS had and found there was still a potential for, as they put it, that the INS data are vulnerable to either accidental or intentional destruction, modification, disclosure, and unauthorized use.

As we continue to go along with the process in the coming years and you come before the committee, can you give me some sense of what we will be able to hear from the INS that will give us a better understanding of what will be done to try to address what the Department of Justice audit found with regard to the data base?

Ms. MEISSNER. I will ask Mr. Collison, who is our Assistant Commissioner for Information Systems, to talk to you about that.

Mr. COLLISON. Thank you.

We have undertaken a very aggressive computer security program. I have been with INS for a year and a half. I think if you will look at what we have accomplished over the last 12 months, it is the beginning of a model. We are doing risk assessment of all our systems, we did four last year, we have eight planned this year.

We plan to put in the right security mechanisms to prevent people from getting unauthorized access, from being able to change information that they are not authorized to change, to leave an audit trail, to advertise that you will get caught rather than thinking they can get away with changing something in the data base. We

have a plan underway which will close these loopholes very rapidly that the studies have implied exist.

Mr. BECERRA. I know it is an ongoing effort. You are trying to improve or promote the services that the INS provides, and I think the additional moneys will, hopefully, make it possible for the INS to get there. Is this plan something that is either public information or that will be made available to the committee at this point?

Mr. COLLISON. The security plan for this year is being finalized and can be made available. It will be public.

Mr. BECERRA. If you could make sure the committee has access to that once it becomes public information, please supply it to the committee.

[The information was not available at the time of printing.]

Mr. BECERRA. Let me see if the gentleman from Florida has any further questions.

Mr. MCCOLLUM. I want to just ask several real technical-type, but I think, important questions, Ms. Meissner. The last visit to the Cuban policy for me, when do you anticipate the administration will announce the specifics for which Cubans will be eligible for the parole?

Mr. ALEINIKOFF. We have a date with the Cubans no later than October 24, because under the agreement, we have to meet with them within 45 days, and we will certainly have an announcement prior to that date.

Mr. MCCOLLUM. When do you expect the application processing to begin in Havana?

Mr. ALEINIKOFF. I think the application processing for the backlogged folks, and if we are going to bring in the dependent relatives of the refugees and the IV folks as well, it should happen very shortly. We are anticipating the State Department and INS will be sending additional resources down to the section within a week or two to start that.

Mr. MCCOLLUM. Let me switch to Haiti. President Aristide will be back next week. Will the Haitians at Guantanamo be repatriated to Haiti after his Government takes office next week, are there plans or a timetable to do this, or what is going to happen to the folks in Guantanamo?

Ms. MEISSNER. We will continue to rely on voluntary repatriation where the Haitians are concerned, because we believe that by and large, most of the Haitians that are at Guantanamo will want to be in Haiti under a government that is in the hands of President Aristide rather than the military.

Now, we have and we very much prefer that that decision to return be made by the Haitians themselves, and indeed we are seeing that the Haitians are making the decision gradually to return to Haiti on their own motion. We do have a longer-range plan of what might be required if there still are people that are concerned about leaving. We will probably be—concerned about returning, excuse me. We will be maintaining a safe haven facility in the region, not necessarily at Guantanamo, but in some other setting.

But I don't want to speculate too much further at this point about what might happen, because we really do believe that the situation in Haiti is correcting itself and that the large proportion of the people who are presently in safe haven will want to go back.

Mr. MCCOLLUM. Do you have a plan to offer them this return or is it now already possible for them to go back?

Ms. MEISSNER. It is now possible and it is ongoing. We offer that opportunity basically every day. There are people that the Haitians can speak to in the camp, there is news coming into the camp, there is TV. The Haitians have their own newspaper.

Mr. MCCOLLUM. Is there much voluntary returning now?

Ms. MEISSNER. There has always been a sizable voluntary return in this period, during the summer, to Haiti. There are about 13,000 people in Guantanamo now, there are 4,000 or 5,000 that have returned voluntarily and the voluntary return is being calibrated with the military action in ways that will step up that return in the coming weeks.

Mr. MCCOLLUM. You have raised one other question. All of us are aware there are those there who are afraid of President Aristide. Is there a plan for continuing or resuming in-country processing in Haiti?

Ms. MEISSNER. That is in a contingency mode. At the present time, we think the most important thing is to focus on stabilizing the situation there.

Mr. MCCOLLUM. Let me ask you something unrelated. Is an asylum corps of 334, as you have indicated you expect to have on hand by January 1995, large enough to handle the expected caseload of asylum requests and is it large enough to also reduce the present backlog?

Ms. MEISSNER. We believe that it is.

Mr. MCCOLLUM. Second, do you expect the administration will recommend the border crossing fee be collected at any time in the near future?

Ms. MEISSNER. That is under discussion within the executive branch, and I can't tell you the outcome because I don't know it.

Mr. MCCOLLUM. Do you have any idea what the fee would be if one were recommended?

Ms. MEISSNER. No, I don't. We would have to do an analysis because it would have to be cost-based.

Mr. MCCOLLUM. Will you be able to meet the mandate of the crime bill to hire a thousand new Border Patrol officers and support personnel in each of the next 4 fiscal years?

Ms. MEISSNER. The increment for fiscal year 1995, the funding provided has been for 700 Border Patrol. We are actively developing our plans for that level of hiring for the coming year. That is a very ambitious recruiting, training and hiring plan, but we will meet it. In the years after that, the crime bill is an authorization level, it is not an appropriation, so we will have to take it year by year in terms of what is actually appropriated.

Mr. MCCOLLUM. As you probably know, one of my pet peeves is the absence of resources for investigators in INS. Border Patrol always gets beefed up here. Have you got any plans in your next budget request to ask us for some more investigators?

Mr. BECERRA. I think that is an invitation to do so.

Ms. MEISSNER. We receive that invitation happily. We, of course, came this year with a resource request for investigators. It was an area that was cut back fairly substantially as compared with the Border Patrol hiring. We believe that our investigations program is

a program that needs to be very substantially built in the coming years, and I think that it is fair to say—I can't prejudge what the administration will actually request in the 1996 budget, but I think it is fair to say that you will see a budget request—

Mr. MCCOLLUM. A couple of us will be glad to give you bipartisan support.

Ms. MEISSNER. We will do what we can to make our case.

Mr. MCCOLLUM. Last question. In the visa waiver program, I hope in the next day or two it is renewed. In the unfortunate event that it isn't renewed during the waning days of this Congress, do you have anything in place to deal with the problem that will arise as a result of that?

Ms. MEISSNER. I will ask Jim Blume to answer that question. But let me precede his answer by thanking you for your effort where this visa waiver issue is concerned, particularly your good offices in helping to bring everybody to the table with a compromise proposal. We very much hope that it does pass, but in the event that it does not, we obviously have been planning for that.

Mr. MCCOLLUM. You are most welcome. I am always glad to do a small part of something. I thank a couple of staff people for that.

Mr. PULEO. We have an agreed process for the next 30 days ending at midnight on the 30th of this month, where we will do individual waivers of the visa requirement and the fee required to waive the visa process, but there are no plans beyond that.

Mr. MCCOLLUM. We have a problem if we don't do it. All of us hope that that bill gets through in the next couple of days.

Thank you. That is all the questions I have.

Mr. BECERRA. Let me mention that I, too, thank the gentleman from Florida for his efforts to make sure we have a system for visa waivers that I think is as fair and as broad as we can make it and still feel comfortable with the program in granting these waivers. Please don't be shy in your requests.

As you just heard from Mr. McCollum, I think it is important that we give everyone, Congress and the American people, a clear sense of what is needed for you to do your work, and I think it would be an awful shame if we tried to represent that we were going to take care of the problems and issues that confront us on immigration and we don't give you the moneys to do it. I think that would be a monumental loss of an opportunity that we have now. Please be aggressive in requesting what you feel is essential and let us see if we can try to come close to some of those.

A couple of quick questions with regard to the verification system. I return to that because I remembered something. The system you have now under TVS does not rely on getting information or accessing anything from the Social Security Administration; correct?

Ms. MEISSNER. That is correct. It is simply that accesses the INS data base, which is a data base confined to noncitizens?

Mr. BECERRA. As I understand the registry that is being proposed by the U.S. Immigration Commission, it would include marrying information in the data base that INS has with the data base that the Social Security Administration has?

Ms. MEISSNER. That is correct. It would link the INS and the Social Security data bases.

Mr. BECERRA. Does INS have any estimates of what the costs would be to be able to marry the two systems together?

Ms. MEISSNER. We don't. We need to look at that.

Mr. BECERRA. At this stage, the INS data base is a conglomeration of 5 to 10 different data bases?

Ms. MEISSNER. It is a series of data bases, yes. It is a collection.

Mr. BECERRA. So in order for the data base that the Social Security Administration has, in order for it to be able to speak to, to interact with the INS data bases, there has to be some way to reconcile any differences in the different data bases; is that correct?

Ms. MEISSNER. To some extent. First of all, I must say that we are very actively integrating our data bases. It is very much in our institutional interest to have a seamless data base, so we are about that business, in any event. But, obviously, there are some redundancies between our data base and the Social Security Administration data base. If you are interested in more detail, Mr. Collison can provide that detail.

Mr. BECERRA. Maybe I can ask Mr. Collison a couple of quick questions.

How long will it take to get the various data bases within the INS merged or somehow as one?

Mr. COLLISON. That is a project that we have received funding for as of Saturday and we are putting together our plans now that will give a very specific schedule for when we will accomplish that.

Mr. BECERRA. Any idea how long it might take before you finally accomplish that task?

Mr. COLLISON. Within 2 years, hopefully. My goal is faster.

Mr. BECERRA. So within 2 years, you should have one seamless system of information, your data base, you hope, and will that data base then be capable of being married to the Social Security Administration data base?

Mr. COLLISON. The problem that I anticipate, just what if, we need a way of matching the two data bases. An obvious way would be on a numbering system, Social Security or an alien registration number. It appears that there is not a good complete set of that type of information.

In other words, we carry the Social Security number afield but only a small percentage of the records actually have a Social Security number in it. I would expect a similar scenario with Social Security, so you are left with trying to match on names and date of births as a possibility, and so there will be a high degree of mismatch and a lot of effort to get the data bases synchronized so that you could have a consolidated data base. This is what I would expect, recognizing this was a preliminary analysis to say what if, or ask the question, what might be an answer of how large an effort it might be?

Mr. BECERRA. If we get to the point of being able to marry the two systems or synchronize the systems, what do you envision the cost being—let me start anew. As I understand it, you have let out contracts for about \$400 million to try to shore up your current data base system.

Mr. COLLISON. We have let two contracts, one with a maximum contract value of \$300 million over 5 years and the other to buy

hardware and software for infrastructure that has a maximum of \$100 million over 3 years.

Mr. BECERRA. These are 3-, up to 5-year contracts, but you said in your earlier response that within 2 years you expect to have a seamless data base. Does that mean that you expect that these contracts will not go the full 3 to 5 years?

Mr. COLLISON. The support service contract will provide ongoing development and O&M support for all systems over the 5-year life of the contract. One typically recompetes this kind of contract for another 5-year increment.

Mr. BECERRA. Understood. Is it possible with your understanding of the systems, the data base systems and computers, to be able to marry or synchronize the INS data bases with the Social Security data base now, or will you have to wait until the 2-year process occurs and you are able to create a seamless data base within the INS?

Mr. COLLISON. The problem in creating such a data base would be finding a way to link the data with a numbering system that is common between the two systems, which I have found doesn't exist in a high enough frequency to do it without a significant effort to put that key in to let it happen. If such a key existed, it would not be a major effort to create a third data base that was a marriage of information from both agencies, but without that key, it could be a sizable, expensive endeavor.

Mr. BECERRA. I gather from what you are saying is that after 2 years and once you have this seamless data base within the INS, that there is no guarantee that it will now be capable of being married with the Social Security system's data base?

Mr. COLLISON. It would require the creation, at some point, of that common key to let the data be merged because there is no common element that you can search on to find a matching record between the two.

Mr. BECERRA. Any idea what the cost might be of trying to create that key or that means of synchronizing the two agencies' data bases?

Mr. COLLISON. I would expect sizable, because in all likelihood, it is going to require a lot of manual effort.

Mr. BECERRA. When you say sizable, what does that mean?

Mr. COLLISON. I would hesitate to venture a guess. There may be a way one could devise to use name matching with date of birth to help in the process. But if it requires searching the records and doing a manual look-up and then rekeying the number, you may be talking 30 to 60 minutes per record, which could get very, very expensive quickly.

Mr. BECERRA. And per record, we are talking about the record of each and every person who is eligible to work?

Mr. COLLISON. The information collection on a person because—that is what in this example you would be identifying it to.

Mr. BECERRA. So between 30 to 60 minutes, and if there were problems or glitches found with the data for that individual, I suspect you are talking about having to do additional checks that would take you beyond a 30- to 60-minute time frame to complete?

Mr. COLLISON. Possibly. Before we start giving numbers, I should do the analysis—the numbers I am giving you are off the top of the head.

[The information was not available at the time of printing.]

Mr. MCCOLLUM. Would the gentleman yield?

Is the 30 or 60 minutes you are referring to from the immigration files or people in that status, or are you talking about the entire work force, including the Social Security files, each taking 30 to 60 minutes to key?

Mr. COLLISON. Both, because you would have to find a number and key it into the record. It may take a while to search for what this person really is and, therefore, what their number is and key it into its system.

Mr. MCCOLLUM. But you don't know if that method is the one you would have to go to? It is possible that that is the one, and if that is the method, it is very labor intensive?

Mr. COLLISON. That is correct. There may be ways to effect some efficiencies in this process, but quite a large number of the records would still require manual intervention in searching, I think.

Mr. BECERRA. And correct me if I am wrong, but if we are going to have a registry that is based on checking each applicant's eligibility to work, that means that you would have to have this check done on this data system in place for each and every eligible person to work, which includes not just immigrants but U.S. citizens? Otherwise, if you only had a registry that included immigrants, you would be discriminating by not having the information available for U.S. citizens and somehow the employer would have to judge about whether an individual is a citizen or an immigrant with a status to work.

Mr. COLLISON. I think the present process is that the employer only checks after the employee has been hired and then only checks those persons identifying themselves as being a non-U.S. citizen.

Ms. MEISSNER. This is the range of questions that are put on the table by the Commission's report, so this takes an analysis not only by the Immigration Service but by the Social Security Administration and other agencies of government which we will now be undertaking.

Mr. BECERRA. Mr. Collison, you said the check is something that is triggered after the employment offer has been made to the employee and once there is a determination that the employee is not a citizen, but if the employee says, I am a U.S. citizen, there is no check?

Ms. MEISSNER. At the present time under the law, the employer is required to check everybody. Now, it may be that if a person—that is part of where the discrimination question comes in. Obviously, if a person states he is a citizen and an employer says, I am not going to bother to check, he is not complying with the employer sanctions law. The employee sanctions law says check everybody.

Mr. BECERRA. So if you check everybody, that seems to imply to me that the data base that the two agencies will use has to include information on each and every person in this country?

Ms. MEISSNER. And that is why the Commission is talking about not only the INS data base, but the SSA data base; because the SSA is everybody that works.

Mr. BECERRA. Let me leave it at that because this is speculation and there has to be some development of a policy.

Mr. MCCOLLUM. May I ask one more question?

Ms. Meissner, in light of the discussion we just had, I assume that part of what you are looking at, and other alternatives besides verification cards, and all this would be what we have discussed in the committee in the past, and that is the simple stripped-down version of going straight to the Social Security Administration with the 800 number idea to at least check the name and the number, whether that is the end-all, be-all. That is part of what you are looking at?

Ms. MEISSNER. Exactly. That is definitely one way to proceed.

Mr. BECERRA. One last quick question on the citizen advisory panel. I understand that you have gone through the nominations process, it will be up and moving. I hope that the panel will have diversity within it, I am certain that it will. Can we have a quick idea of what the time line will be for its actual working?

Ms. MEISSNER. We hope it will be named this month and we hope it will have its first meeting next month. We admit that the timetable has slipped on this. The summer fell away from us in terms of these crisis management issues that we had to face, but we are back on the case with the panel and it should be functioning soon.

Mr. BECERRA. We want to thank you all for your time and your testimony. We look forward to working with you.

Commissioner, you have always been very gracious in answering all our questions. We will continue to follow up and we hope that you have great success in the year to come.

Ms. MEISSNER. Thank you.

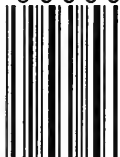
Mr. BECERRA. Thank you. The subcommittee is adjourned.

[Whereupon, at 12:52 p.m., the subcommittee adjourned.]

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Ms. MEISSNER. Thank you.

Mr. BECERRA. Thank you. The subcommittee is adjourned.

[Whereupon, at 12:52 p.m., the subcommittee adjourned.]

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